City of Norman, OK

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069



Meeting Agenda

Tuesday, September 28, 2010

6:30 PM

Municipal Building Council Chambers

City Council

Mayor Cindy Rosenthal
Council Member Alan Atkins
Council Member Tom Kovach
Council Member Hal Ezzell
Council Member Carol Dillingham
Council Member Rachel Butler
Council Member Jim Griffith
Council Member Doug Cubberley
Council Member Dan Quinn

City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority Agenda

1 Roll Call

2 Pledge of Allegiance

Awards and Presentations

PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM ROOSEVELT ELEMENTARY SCHOOL.

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Roosevelt Elementary School.

4 Consent Docket

Consent Docket

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 5 through Item 32 be placed on the consent docket.

ACTION NEEDED: Motion to place Item through Item on the Consent Docket by unanimous vote.

ACTION TAKEN:

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or acknowledge all items on the Consent Docket subject to any conditions included in the individual action needed by item.

ACTION TAKEN:

5 GID-1011-60

APPROVAL OF THE **CITY COUNCIL PLANNING AND** COMMUNITY DEVELOPMENT MINUTES OF **AUGUST** 2010; CITY COUNCIL STUDY SESSION MINUTES OF AUGUST 17, 2010; FINANCE COMMITTEE MINUTES OF AUGUST 18, 2010; PUBLIC MINUTES OF AUGUST 2010; 19, **CITY** CONFERENCE MINUTES OF AUGUST 24, 2010; CITY COUNCIL OF **MINUTES** AUGUST 24, 2010: **NORMAN UTILITIES MINUTES** OF **AUTHORITY AUGUST** 24, 2010; **NORMAN MUNICIPAL AUTHORITY MINUTES AUGUST** OF 24, 2010: NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 24, 2010; CITY COUNCIL SPECIAL SESSION MINUTES 31, 2010; CITY COUNCIL FINANCE COMMITTEE MEETING MINUTES OF SEPTEMBER 2, SPECIAL 2010; CITY COUNCIL STUDY SESSION MINUTES OF SEPTEMBER 7, 2010, CITY COUNCIL PLANNING AND COMMUNITY **DEVELOPMENT** 2010; **MINUTES** OF **SEPTEMBER** 10, **CITY** COUNCIL CONFERENCE **SEPTEMBER** 2010: **MINUTES OF** 14. CITY **COUNCIL MINUTES OF SEPTEMBER** 14. 2010, **NORMAN** 2010; UTILITIES AUTHORITY MINUTES OF **SEPTEMBER AUTHORITY MINUTES** NORMAN **MUNICIPAL** OF **SEPTEMBER** 14, 2010; NORMAN TAX INCREMENT AUTHORITY MINUTES OF **SEPTEMBER** 2010: **CITY** 14. AND COUNCIL **FINANCE** COMMITTEE MINUTES OF SEPTEMBER 2 AND SEPTEMBER 15. 2010.

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes; and, if approved, direct the filing thereof.

ACTION TAKEN:	
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Attachments: PCDC Minutes August 13, 2010

August 17 2010 SS Minutes

August 18 2010 Finance Committee Minutes

August 19 Public Meeting Minutes

August 24 Conf Minutes

August 24 CC minutes.doc

<u>August 31 Special Session Minutes</u> <u>September 2, 2010 Finance Minutes</u>

September 7 SS Minutes

September 10 PCDC

September 14 conference minutes

September 14 CC Minutes

September 15, 2010, Finance Committee Minutes

Legislative History

9/14/10 City Council

postpone to the City Clerk Department

6 <u>O-1011-04</u>

CONSIDERATION OF **ORDINANCE** NO. O-1011-4 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN. OKLAHOMA, **AMENDING ARTICLE** 7.5-22 AND SECTION 7.5-26 OF SECTION CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE FILING **STATEMENTS DUTIES** OF **CAMPAIGN AND OF** THE **ENFORCEMENT** AUTHORITY REGARDING CAMPAIGN **FOR PROVIDING** THE **SEVERABILITY** STATEMENTS; **AND** THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-4 upon First Reading by Title.

ACTION TAKEN:

Attachments: O-1011-4 Enforcement Authority-Clean.pdf

O-1011-4 Enforcement Authority-Anno.pdf

Enforcement Authority Report dated March 16, 2010.pdf

Enforcement Authority January 13 minutes.pdf
Enforcement Authority January 20 Minutes.pdf
Enforcement Authority February 26 minutes.pdf
Enforcement Authority March 1 minutes.pdf

Enforcement Authority March 8 minutes.pdf
Final Enforcement Authority Report.pdf

Enforcement Authority April 5 minutes.doc.pdf

Enforcement Authority July 9 minutes.pdf
Enforcement Authority July 14 minutes.pdf

Pertinent excerpts from Oversight Comm minutes of Sept. 1 (Elections).pdf

Legislative History

7/14/10 Enforcement Authority Recommended for Adoption at a

subsequent City Council Meeting to the City

Clerk Department

9/1/10 City Council Oversight Recommended for Adoption at a

Committee subsequent City Council Meeting to the City

Clerk Department

7 <u>O-1011-06</u>

CONSIDERATION OF **ORDINANCE** NO. O-1011-6 UPON **FIRST** READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXI OF 4 OF THE OF CHAPTER CODE THE **CITY** OF **NORMAN ESTABLISHING** THE **PROCEDURES POWERS** OF THE AND GREENBELT COMMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION IN THE EXERCISE OF THOSE POWERS: AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-6 upon First Reading by Title.

ACTION TAKEN:				

Attachments: O-1011-6 Clean

O-1011-6 Annotated

Pertinent excerpts from April 9, 2010 PCDC Minutes

June 11 PCDC minutes
August 17 2010 SS Minutes
September 10 PCDC

City of Norman, OK Page 6 Printed on 9/23/2010

8 <u>O-1011-09</u>

CONSIDERATION OF ORDINANCE NO. O-1011-9 UPON **FIRST** AN ORDINANCE OF THE COUNCIL OF THE READING BY TITLE: CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THEIR SPECIAL USE FOR A CHURCH IN THE R-3, MULTI-FAMILY **DWELLING** DISTRICT, FOR LOTS 7 THROUGH 10 AND 21 THROUGH 32 OF BLOCK 34, AND LOTS 5 THROUGH 16, THE WEST 15 FEET OF LOT 19, AND LOTS 20 THROUGH 26, BLOCK 35, THE ORIGINAL TOWNSITE OF NORMAN, AND LOTS 7 THROUGH 10, BLOCK 3, COLLEY'S FIRST ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND **PROVIDING FOR** THE **SEVERABILITY** THEREOF. (211 NORTH PORTER AVENUE)

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-9 upon First Reading by Title.

ACTION TAKEN:		

Attachments:

O-1011-9 w Exhibit
Exhibit - Site Plan

Location map St. Joseph's

ZO-1011-5 St. Joseph Staff Report

9-9-10 PC Minutes O-1011-9

Legislative History

9/9/10

Planning Commission

Recommended for Adoption at a subsequent City Council Meeting to the City

Clerk Department

9 <u>O-1011-11</u>

CONSIDERATION OF ORDINANCE NO. O-1011-11 UPON AN ORDINANCE OF THE COUNCIL OF THE **READING BY TITLE:** CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 16-603(A) OF CHAPTER 16 OF THE CODE OF THE CITY OF NORMAN TO **CLARIFY** RECOUPMENT **CALCULATIONS WHEN** UTILITIES HAVE PREVIOUSLY BEEN CONSTRUCTED BY THE PROPERTY OWNER OR WHEN BOND FUNDS ARE APPLIED TO A PROJECT **SUBJECT** TO RECOUPMENT: AND **PROVIDING FOR** THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-11 upon First Reading by Title.

ACTION TAKEN:

Attachments:

O-1011-11 Recoupment Clean

O-1011-11 Recoupment Annotated

Pertinent excerpts Sept 7 SS Minutes-Recoupment

10 <u>O-1011-12</u>

ORDINANCE NO. CONSIDERATION OF O-1011-12 UPON **FIRST READING BY TITLE:** AN ORDINANCE OF THE COUNCIL OF THE NORMAN, OKLAHOMA, ADDING SECTION CITY OF 20-544 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN REQUIRING A MOTOR VEHICLE KEEP A SAFE DISTANCE WHEN OVERTAKING AND PASSING OF A BICYCLE PROCEEDING IN THE **SAME** DIRECTION: **AND PROVIDING FOR** THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-12 upon First Reading by Title.

ACTION TAKEN:		
ACHON LANDN.		

Attachments:

Bicycle Ordinance

Pertinent excerpts for July 20, 2010 SS Minutes

Pertinent excerpts from Transportation Comm minutes

Legislative History

8/26/10

City Council Transportation

Committee

Recommended for Adoption at a

subsequent City Council Meeting to the City

Clerk Department

11	<u>O-1011-19</u>	CONSIDERATION OF ORDINANCE NO. O-1011-19 UPON FIRST
		READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE
		CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-201
		OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN
		LIMITING WEEKLY YARD WASTE PICK UP TO ONE TIME PER
		MONTH DURING THE MONTHS OF DECEMBER, JANUARY AND

OF MARCH THROUGH NOVEMBER; AND PROVIDING FOR THE SEVERABILITY THEREOF.

FEBRUARY AND ONE TIME PER WEEK DURING THE MONTHS

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-19 upon First Reading by Title.

ACTION TA	KEN:
Attachments:	<u>O-1011-18</u>

O-1011-18 Annotated

12 AP-1011-12 CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF JIM RUHL TO THE BOARD OF ADJUSTMENT AND JUNA STOVALL AND RANDY LAFFOON TO THE NORMAN CONVENTION AND VISITORS BUREAU.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN:	
ACTION TAKEN:	

13 AP-1011-9 **SUBMISSION** OF THE **PROPOSED NOMINATION FOR** APPOINTMENT OF DREW NICHOLS AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT FOR Α **TERM BEGINNING** OCTOBER 12, 2010, AND ENDING JUNE 30, 2012.

ACTION NEEDED: Motion to acknowledge receipt of the nomination and schedule an agenda item on October 12, 2010, for confirmation.

ACTION TAKEN:

14	RPT-1011-15	SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE
		FINANCE DIRECTOR'S INVESTMENT REPORT AS OF AUGUST
		31, 2010, AND DIRECTING THE FILING THEREOF.
		ACTION NEEDED: Motion to acknowledge receipt of the report and
		direct the filing thereof.
		ACTION TAKEN:
		Attachments: Finance Directors Report August 2010
15	RPT-1011-16	SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE
		MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF
		AUGUST, 2010, AND DIRECTING THE FILING THEREOF.
		ACTION NEEDED: Motion to acknowledge receipt of the report and
		direct the filing thereof.
		ACTION TAKEN:

16 <u>BID-1011-12</u>

CONSIDERATION AND AWARDING OF BID NO. 1011-12 FOR THE PURCHASE OF COPPER METER YOKES FOR METERS, HDPE WATER METER BOXES, AND WATER LINE REPAIR CLAMPS FOR THE LINE MAINTENANCE DIVISION.

Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications on copper meter yokes and HDPE water meter boxes; and, if accepted, award the bid to American Waterworks Supply, Inc., as the lowest and best bidder meeting specifications.

	CTION TAKEN	:		
ACTION TAKEN:				
ACTION TAKEN.				
ACTION TAILEN.				

Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications on Water Line Repair Clamps, Sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 29, 30, 31, and 32; and, if accepted, award the bid to HD Supply Waterworks as the lowest and best bidder meeting specifications.

ACTION TAKEN:					

Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications on Water Line Repair Clamps, Sections 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, and 34; and, if accepted, award the bid to Oklahoma City Winwater Works as the lowest and best bidder meeting specifications.

ACTION TA	KEN:
Attachments:	Bid tab vokes 10 pdf

17 BID-1011-29

CONSIDERATION AND AWARDING OF BID NO. 1011-29 FOR THE PURCHASE OF BUILDINGS AND CONTENTS INSURANCE.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$81,911 to Affiliated FM as the lowest and best bidder meeting specifications.

ACTION TA	AKEN:
Attachments:	Bid Summary.pdf
	Listing of Vendors.pdf

18 <u>FP-1011-4</u>

CONSIDERATION OF **FINAL PLAT FOR** Α **COMMERCE PARKWAY** ADDITION, SECTION 2, Α **PLANNED UNIT** DEVELOPMENT. GENERALLY LOCATED **700 FEET NORTH** MARKET PLACE ON THE WEST SIDE OF THE 1-35 FRONTAGE ROAD.

ACTION NEEDED: Motion to approve or reject the final plat for Commerce Parkway Addition, Section 2, a Planned Unit Development, and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of required public improvements and receipt of a Traffic Impact Fee in the amount of \$2,906.20, and direct the filing of the final plat.

ACTION TAKEN:

Attachments:

Agenda Item- Commerce Pkway Addition- Sec 2

Location Map Commerce Pkwy 2

Stf-rept. Final Plat - Commerce Parkway Addn

Final Site Dev Plan Commerce Pkwy 2

Final Plat Commerce Pkwy 2

Revised Prelim Plat Commerce Pkwy 2

9-9-10 PC Minutes FP-1011-4

Legislative History

9/9/10 F

Planning Commission Recommended for Adoption at a

subsequent City Council Meeting to the City

Clerk Department

19 <u>COS-1011-2</u>

CONSIDERATION RURAL CERTIFICATE OF OF **SURVEY** NO. **ACRES SUBMITTED RICK** COS-1011-2 FOR **MAYNARD** BY MAYNARD WITH A VARIANCE TO THE MINIMUM ACREAGE REQUIREMENTS FOR TRACTS 1 AND 2 AND ACCEPTANCE OF EASEMENT NO. E-1011-20. (GENERALLY LOCATED ATTHE SOUTHWEST CORNER OF 72ND **AVENUE** S.E. AND **CEDAR** LANE ROAD)

ACTION NEEDED: Motion to approve or reject Rural Certificate of Survey No. COS-1011-2 for Maynard Acres with a variance to the minimum acreage requirements for Tracts 1 and 2; and, if approved, accept Easement No. E-1011-20 and direct the filing of the rural certificate of survey and the easement with the Cleveland County Clerk.

ACTION TAKEN:	
ACTION TAILEN.	

Attachments:

Location Map - Maynard Acres

Certificate of Survey Maynard Acres

Grant of Easement-Maynard Acres

Minutes COS-1011-2

Maynard Acres Staff Report

Legislative History

8/26/10

Planning Commission

Recommended for Adoption at a subsequent City Council Meeting to the City

Clerk Department

20 COS-1011-3

CONSIDERATION OF RURAL CERTIFICATE OF SURVEY NO. COS-1011-3 FOR **HANSMEYER** ACRES **SUBMITTED** BY THE **FAMILY** TRUST GENERALLY LOCATED AT THE NORTHWEST CORNER OF 36TH AVENUE N.E. AND EAST ROCK CREEK ROAD AND ACCEPTANCE OF EASEMENT NOS. E-1011-21 AND E-1011-22.

ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1011-3 for Hansmeyer Acres; and, if approved, accept the easements and direct the filing of the rural certificate of survey and easements with the Cleveland County Clerk.

ACTION	TAKEN:		
	1 1 1 1 2 1 7 1 1 1 .		

Attachments:

Item Description Hansmeyer

Location Map - Hansmeyer Acres

COS Hansmeyer Acres

E-1011-21- Hansmeyer Acres

E-1011-22- Hansmeyer Acre

Hansmeyer Acres Staff Report

Predevelopment Summary 6-24-10

Minutes COS-1011-3

Legislative History

8/26/10

Planning Commission

Recommended for Adoption at a

subsequent City Council Meeting to the City

Clerk Department

21 2

OK-DR-1917- CONSIDERATION **ACCEPTANCE** OF OF REIMBURSEMENT OF **FUNDS** \$8,462.95 FROM THE **AMOUNT** OF **FEDERAL** EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010.

> Motion to accept or reject reimbursement of funds ACTION NEEDED: in the amount of \$8,462.95 from FEMA for tornado related damage during May 2010; and, if accepted, increase FEMA Reimbursements (010-0000-334.13-28) by \$8,462.95.

ACTION TAKEN:

Checks - FEMA OK-DR-1917 - #2

22 <u>LL-1011-5</u>

LIMITED LICENSE NO. LL-1011-5 LIMITED LICENSE TO PLACE **FOUR (4)** GROUND **BANNERS** WITHIN THE **PUBLIC** RIGHTS-OF-WAY, **PURSUANT** TO Α REQUEST **FROM** CLEVELAND COUNTY YMCA FOR THE **YMCA** FALL FREE CARNIVAL EVENT, TO BE HELD ON OCTOBER 22, 2010.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-5 to place four (4) banners within the public rights-of-way pursuant to a request from the Cleveland County YMCA; and, if approved, authorize the issuance thereof.

ACTION TAKEN:				

Attachments: LL-1011-05

Application from YMCA

23 <u>LL-1011-6</u>

<u>LIMITED LICENSE NO. LL-1011-6</u>: LIMITED LICENSE TO PLACE ONE (1) GROUND BANNER AND FOUR (4) SIGNS WITHIN THE **PUBLIC RIGHTS-OF-WAY PURSUANT** TO A **REQUEST FROM FRIENDS** OF THE NORMAN **PUBLIC** LIBRARY **FOR** THE ANNUAL BOOK SALE TO BE HELD OCTOBER 22 THROUGH 25, 2010.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-6; and, if approved, direct the filing thereof.

ACTION TAKEN:			

Attachments: Letter of request Friends of Library

Friends of Library Application

Location Map Friends of Library Signs

Limited License LL-1011-6

24 <u>K-0910-80</u> <u>Amend</u>

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-80, BY AND **BETWEEN** THE **CITY** OF NORMAN, OKLAHOMA, **AND** THE OKLAHOMA **DEPARTMENT** OF TRANSPORTATION EXTENDING THE CONTRACT UNTIL **SEPTEMBER** 30. 2011 FOR **JOB** ACCESS AND **REVERSE COMMUNITY** (JARC)/NEW **FREEDOM HANDICAP PROGRAM GRANT** TO **PROVIDE ACCESSIBLE IMPROVEMENTS CLEVELAND AREA RAPID** TO **TRANSIT** (CART) BUS STOP LOCATIONS.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-80 with the Oklahoma Department of Transportation extending the contract until September 30, 2011.

ACTION TA	KEN:
Attachments:	Amendment No. 1 to K-0910-80

25 <u>K-1011-53</u>

CONTRACT NO. K-1011-53: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LITTLE RIVER ZOO IN THE AMOUNT OF \$7,200 TO BE USED FOR PUBLIC INFORMATION PROGRAMS.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-53 with Little River Zoo in the amount of \$7,200; and, if approved, authorize the execution thereof.

ACTION TA	KEN:
Attachments:	Fund Disbursement-Little River Zoo 2

26 K-1011-61

CONTRACT NO. K-1011-61: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND MICROCEPTION, INC., IN THE **AMOUNT** OF \$26,983.50 FOR THE PURCHASE, DELIVERY, CONFIGURATION AND ON-SITE TRAINING OF INSTALLATION, THE VIDEOVERSIGHT SYSTEM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-61 with Microception, Inc., in the amount of \$26,983.50; and, if approved, authorize the execution thereof.

ACTION TAKEN:						

Attachments: K-1011-61

Microception Sole Source Letter.pdf

Microception Terms & Conditions Agreement.pdf

27 <u>K-1011-73</u>

CONTRACT NO. K-1011-73: A CONTRACT BY AND BETWEEN AND THE CITY OF NORMAN, OKLAHOMA, COLONIAL NATIONAL MORTGAGE TO SUBORDINATE A LIEN REGARDING **FUNDS FROM** THE **HOME PARTNERSHIP PROGRAM FOR** PROPERTY LOCATED AT 2005 OAKHURST AVENUE.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-73 with Colonial National Mortgage; and, if approved, authorize the execution of the contract.

ACTION TA	KEN:
Attachments:	K-1011-73

28 <u>K-1011-77</u>

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$80,500 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO INCREASE ENFORCEMENT OF SEAT BELT AND MANDATORY CHILD RESTRAINT LAWS AND TO HOST A TRAFFIC COLLISION INVESTIGATION SCHOOL, APPROVAL OF CONTRACT NO. K-1011-77, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject a grant in the amount of Oklahoma Highway Safety Office \$80,500 from the to enforcement of seat belt and mandatory child restrain laws and to host a Traffic Collision Investigation School; and, if accepted, approve Contract No. K-1011-77; authorize execution of the contract; appropriate \$80,500 Special Grant Fund Balance (022-0000-253.20-00) designating \$66,000 to Overtime-Regular (022-6019-421.21-10) and \$14,500 to Professional Services/Training and Development (022-6019-421.40-17); and upon reimbursement, increase Other Revenue/Traffic & Alcohol Enforcement (022-0000-331.13-40) by \$80,500.

ACTION TA	AKEN:
Attachments:	Letter with Grant K-1011-77
	K-1011-77

29 <u>K-1011-81</u>

CONTRACT NO. K-1011-81: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BANK OF AMERICA TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2334 ASHWOOD LANE.

ACTION NEEDED: approve Motion to or reject Contract No. K-1011-81 with Bank of America: and. if approved, authorize the execution of the contract.

ACTION TA	KEN:	 		
Attachments:	K-1011-81			

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30 2010-06033 A

THE CITY CONSIDERATION OF ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$24.364.52 REGARDING **TABITHA NATION** VS. THE **CITY** OF NORMAN. WORKERS' COMPENSATION COURT CASE NO. WCC-2010-06033 A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of \$24,365.52 which will constitute judgment against the City of Norman.

ACTION TAKEN:		

Attachments: Attachment 1 - Order

Attachment 2 - Table

Attachment 3 - Requisitions

31 <u>R-1011-36</u>

RESOLUTION NO. R-1011-36: A RESOLUTION OF THE COUNCIL OF THE **CITY** OF NORMAN, OKLAHOMA, **SUPPORTING** THE **DOWNTOWN** MAIN **STREET IMPROVEMENT** (WEST END) AND LEGACY TRAIL EXTENSION ALONG 24TH AVENUE NW 36TH AND **AVENUE** NW **MULTIMODAL PATH PROJECTS FOR FEDERAL TRANSPORTATION SURFACE ENHANCEMENT PROGRAM FUNDS** AND PRIORITIZING THESE PROJECTS.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-36.

ACTION TAKEN:	

Attachments: Resolution R-1011-36

Project Area Map R-1011-36 Legacy Trail Extension Map

Pert excerpts from Sept 7 SS miinutes, R-1011-36

32 <u>P-1011-3</u>

PROCLAMATION NO. P-1011-3: PROCLAMATION OF **MAYOR** OF THE CITY OF NORMAN, OKLAHOMA, **PROCLAIMING** THE MONTH OF OCTOBER, 2010, AS GAY, LESBIAN, BISEXUAL, AND TRANSGENDER HISTORY MONTH IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-3 proclaiming the month of October, 2010, as Gay, Lesbian, Bisexual, and Transgender History Month in the City of Norman and direct the filing thereof.

ACTION TAKEN:				

Attachments:

Memorandum

Proclamation No. P-1011-3

Human Rights Commission minutes

Non-Consent Items

33 <u>K-1011-78</u>

PUBLIC HEARING REGARDING THE ACCEPTANCE OF Α **COMMUNITY ORIENTED POLICING SERVICES** (COPS) **GRANT** THE **AMOUNT** OF \$250,000 FROM THE **UNITED STATES DEPARTMENT** OF JUSTICE TO BE USED TO UPGRADE THE **COMMUNICATIONS EMERGENCY** CENTER **COMPUTER AIDED DISPATCH** (CAD) SYSTEM, **APPROVAL** OF CONTRACT NO. **BUDGET RE-APPROPRIATION** K-1011-78, AND AND APPROPRIATION.

ACTION NEEDED:	Motion to conduct a public hearing.
ACTION TAKEN:	
ACTION NEEDED:	Motion to close the public hearing.
ACTION TAKEN:	

ACTION NEEDED: Motion to accept or reject a COPS grant in the amount of \$250,000 from the United States Department of Justice to be used to upgrade the Emergency Communications Center CAD System for the Police Department; and if accepted, approve Contract No. K-1011-78; authorize the execution thereof; increase Other Revenue/COPS Grant (022-0000-331.13-14) by \$250,000, appropriate \$250,000 from the Special Grants Fund Balance (022-0000-253.20-00) into Project No. GP0013, COPS Grant, Telecommunications Equipment/Computer Software (022-6039-421.53-04) and matching funds of \$250,000 be re-appropriated from the General Fund Balance (010-0000-253-20-00) to Telecommunications Equipment/Computer Software (024-6039-421.53-04) \$184,000, and City Business and Travel (024-6039-421.46-05) \$15,000.

ACTION TA	AKEN:
Attachments:	Grant Award Letter
	Clearance Memo
	K-1011-78

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34 <u>K-1011-79</u>

PUBLIC HEARING REGARDING A GRANT IN THE AMOUNT OF \$36,560 TO THE **CITIES** OF **NORMAN AND MOORE** AND **CLEVELAND COUNTY FROM** THE UNITED **STATES** JUSTICE/BUREAU OF **JUSTICE** DEPARTMENT OF ASSISTANCE **THROUGH** THE **EDWARD BYRNE** (DOJ/BJA) **MEMORIAL** (JAG) **JUSTICE** ASSISTANCE **GRANT PROGRAM** WITH NORMAN'S PORTION OF \$21,570 TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR TRAINING AND TO PURCHASE A **PATROL BUREAU** TRAILER, **TRAFFIC** BARRICADES, Α PORTABLE DIGITAL VIDEO/AUDIO RECORDER, AND A CRASH **RECOVERY SOFTWARE APPROVAL DATA** UPDATE, OF CONTRACT NO. K-1011-79; AND BUDGET APPROPRIATION.

ACTION NEEDED:	Motion to conduct a public hearing.
ACTION TAKEN:	
ACTION NEEDED:	Motion to close the public hearing.
ACTION TAKEN:	

ACTION NEEDED: Motion to accept or reject a grant in the amount of \$36,560 from DOJ/BJA through the JAG Program to be used by the Police Department; and, if accepted, approve Contract No. K-1011-79; authorize the execution thereof; increase Other Revenue/JAG Grant (022-0000-331.13-33) by \$36,560; appropriate \$6,700 into Project GP0012, Homeland Security FBI, Professional Services/Workshops Seminars (022-6017-421.46-04); \$3,000 to Service Equipment/Trailers (022-6017-421.50-10); \$1,670 to Minor Equipment & Tools (022-6017-421.36-99), \$7,200 to Plant and Operating Equipment/Cameras Photographic (022-6017-421.51-09), and \$3,000 to Telecommunication Equipment/Computer Software (022-6017-421.53-04); transfer \$14.900 to Miscellaneous Pass-Thru Refunds (022-6017-421.47-54); and direct payment in the amount of \$10,602 to the City of Moore and \$4,388 to the County of Cleveland upon receipt of invoices.

ACTION TA	KEN:
Attachments:	Award Letter Aug 30 2010.pdf

2010 JAG MOU signed.pdf

35 <u>ZO-1011-3</u>

ORDINANCE NO. ZO-1011-3: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY EASEMENT LOCATED ALONG THE WEST BOUNDARY OF LOT 4, BLOCK 3, CARRINGTON PLACE ADDITION, SECTION 8, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA. (4537 BELLINGHAM LANE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. ZO-1011-3 upon Second Reading section by section.

ACTION TAKEN:

ACTION NEEDED: Motion to adopt or reject Ordinance No. ZO-1011-3 upon Final Reading as a whole.

ACTION TAKEN:

Attachments: ZO-1011-3

Location Map Carrington

Carrington UE Staff Report

Letter of Request Bailey

Legal Description and Location Maps

<u>Carrington - OGE Letter</u> <u>Minutes ZO-1011-3</u>

Legislative History

8/26/10 Planning Commission Recommended for Adoption at a

subsequent City Council Meeting to the City

Clerk Department

9/14/10 City Council Introduced and adopted on First Reading by

title only

36 <u>O-1011-10</u>

ORDINANCE NO. O-1011-10: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXVII, SECTIONS 13-2705 AND 13-2712 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY **AMENDING** THE **SUPPORTING DOCUMENTS REQUIRED AND ADDING** A **PROVISION** REGARDING **SAFETY** REQUIREMENTS OF BANNERS FOR THE EVENTS; AND PROVIDING FOR SPECIAL EVENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-10 upon Second Reading section by section.

ACTION TAKEN:

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-10 upon Final Reading as a whole.

ACTION TAKEN:

Attachments: O-1011-10-Special Events Amendment-Annotated

O-1011-10-Special Events Amendment-Clean

September 1 Oversight Minutes

September 14 conference minutes

Legislative History

9/14/10 City Council

Introduced and adopted on First Reading by title only

37 Miscellaneous Discussion

This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited to five minutes or less.

38 Adjournment



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 3

Text File Number: TMP-98

Introduced: Version:	9/13/2010 by Carol Coles,	, Administrative Asst	Current Status: Matter Type:		
	NTATION OF THE M VELT ELEMENTAR	IAYOR'S CITIZENSHII Y SCHOOL.	AWARDS TO	STUDENTS FF	ROM
	N NEEDED: Allow telt Elementary School.	the Mayor to present C	itizenship Awa	rds to students	from
ACTIO)	N TAKEN:				



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 5

Text File Number: GID-1011-60

Introduced: 9/8/2010 by Brenda Hall, City Clerk Current Status: Consent Item

Version: 1 Matter Type: Minutes

CITY COUNCIL PLANNING AND COMMUNITY OF THE APPROVAL DEVELOPMENT MINUTES OF AUGUST 13, 2010; CITY COUNCIL STUDY SESSION MINUTES OF AUGUST 17, 2010; FINANCE COMMITTEE MINUTES OF AUGUST 18, 2010; PUBLIC MEETING MINUTES OF AUGUST 19, 2010; CITY COUNCIL CONFERENCE MINUTES OF AUGUST 24, 2010; CITY COUNCIL MINUTES OF AUGUST 24, 2010; NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 24, 2010; NORMAN MUNICIPAL AUTHORITY MINUTES OF AUGUST 24, 2010; NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 24, 2010; CITY COUNCIL SPECIAL SESSION MINUTES OF AUGUST 31, 2010; CITY COUNCIL FINANCE COMMITTEE SPECIAL MEETING MINUTES OF SESSION MINUTES 2010; CITY COUNCIL STUDY SEPTEMBER 2. **AND COMMUNITY** COUNCIL **PLANNING CITY** SEPTEMBER 7, 2010. SEPTEMBER 10, 2010; CITY MINUTES OF DEVELOPMENT CONFERENCE MINUTES OF SEPTEMBER 14, 2010; CITY COUNCIL MINUTES OF SEPTEMBER 14, 2010, NORMAN UTILITIES AUTHORITY **MINUTES** SEPTEMBER 14, 2010; NORMAN MUNICIPAL AUTHORITY MINUTES SEPTEMBER 14, 2010; NORMAN TAX INCREMENT AUTHORITY MINUTES OF SEPTEMBER 14, 2010; AND CITY COUNCIL FINANCE COMMITTEE MINUTES OF SEPTEMBER 2 AND SEPTEMBER 15, 2010.

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes; and, if approved, direct the filing thereof.

ACTION TAKEN:	
ACTION TAKEN:	

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES August 13, 2010

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 13th day of August, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and Chairman

Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal

Ms. Karla Chapman, Administrative Technician

Mr. Phil Cotten, Police Chief

Mr. Ken Danner, Development Manager

Mr. Jud Foster, Director of Parks and Recreation Mr. Doug Koscinski, Current Planning Manager

Mr. Steve Lewis, City Manager

Ms. Leah Messner, Assistant City Attorney

Ms. Debra Smith, Environmental Services Coordinator

Mr. Tom Knotts, Planning Commission Liaison Ms. Wanda Frost, for Norman Builders Association

Mr. Sean Rieger, Attorney

CONTINUED DISCUSSION ON PROPOSED LIGHTING ORDINANCE

Council charged the Planning Commission (PC) with preparing a commercial lighting ordinance and the PC has held several study sessions to review background information and has also actively participated in reviewing several drafts of the ordinance. Mr. Doug Koscinski, Current Planning Manager, said the proposed lighting ordinance is still under review and a PC Study Session is scheduled for August 26, 2010, to discuss.

Mr. Koscinski said the current draft ordinance is designed to deal with commercial lighting in a relatively simple manner and General Standards are specified and quite easy to enforce, to include fully shielded lights, specifying the maximum height of pole-mounted lights, and imposing setback distances from abutting properties. He said several issues remain to be resolved:

- How to deal with existing conditions and with changes over time. Building additions equal or exceed fifty percent of the original building must update lighting to meet new requirements;
- Buildings which remain vacant for more than two years must bring lighting to new standard before reuse;
- Allow illumination level based on the amount of developed "hardscape," not including the building area, making the basic allowance for all new uses five lumens per square foot of hardscape area and additional amounts for pedestrian features, i.e., plazas, sidewalks, drive-through windows, ATMs, and gas station canopies; and
- All lights not needed for security be turned off thirty minutes after a business closes.

He said the issue of security lighting has been raised and Staff requested input from the Police Department. He said Police Staff have attended training sessions to encourage good design in order to reduce the amount of crime. Crime Prevention Through Environmental Design (CPTED) is based on the idea that the proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime, and an improvement in the quality of life. CPTED takes crime prevention one step further by studying the site design and working with the development community in an attempt to create safer designs in new and existing development. Mr. Koscinski said Staff examined articles which provided some information about design and lighting issues and incorporated the following into the draft ordinance to include:

• Establish a minimum level of light for all new parking lots of 0.2 footcandles and recommends the uniformity of exterior lights be a four to one ratio, both referenced in the *Lighting Design – III* article;

5-1

Planning & Community Development Committee Minutes August 13, 2010 Page 2

- Allocate an additional amount of "allowable" light amounting to 12 lumens per square foot of sidewalk or plaza area within all new developments to help with the safety issues of pedestrians;
- Lighting levels be reduced by seventy-five percent once a business is closed, but exempts lights that illuminate all exterior entrances and lights controlled by motion detectors; and
- Require full cut-off fixtures with shields to minimize glare. The article Security Lighting: What We Know and What We Don't'' discusses the basic design problems caused by glare, a major reason for the creation of this ordinance.

Mr. Koscinski distributed several articles to the Committee that suggests some key questions to ask as well as issues and situations to take into account when making decisions about installing or changing lighting. The article published by the National Crime Prevention Council titled Lighting Up for Crime Prevention frames some theoretical grounds for the effectiveness of lighting, outlines five key purposes for which lighting might be installed or upgraded, and reviews major recent and common standards and strategies for lighting. Mr. Koscinski said the article titled Crime Prevention Through Environmental Design (CPTED) is a document used by the City of Virginia Beach, Virginia, and is a guide to design community and professionals so that the CPTED techniques and principles can be incorporated whenever possible in the design of projects. He said the document of the Government of Western Australia entitled Designing Out Crime, Designing In People specifically talks about lighting standards and crime prevention.

Mr. Koscinski said the Planning Commission (PC) continues to review and discuss the proposed commercial lighting ordinance and representatives from the development community have attended all meetings. He said the next PC study session is scheduled for August 26, 2010, and Staff and the PC would like to receive guidance and direction from Council. He said once a final draft of the ordinance is accomplished, the PC will schedule one or more public meetings to hear from the general public before formally making a recommendation to Council.

Councilmember Cubberley asked Staff if most businesses in Norman would be in compliance with the proposed ordinance, specifically the five lumens per square foot requirement, and Mr. Koscinski said yes. Councilmember Cubberley asked whether a proposed ordinance could be written for a progressive requirement in reference to the cut-off and aiming issues, whether requesting exiting lighting be re-aimed, adding shields, or installing new lighting, i.e., five years all commercial lighting required to come into compliance. Mr. Koscinski said yes, one alternative would be to establish an amortization period after which all existing lighting would have to come into compliance and the Committee agreed setting an amortization date would be a good idea in dealing with light trespass.

Mr. Steve Lewis, City Manager, requested Staff find examples of what it might cost a business to retrofit their existing lighting, i.e., shielding and aiming costs. He asked Staff to also provide types of fixtures that are available and what it would take to install them. The Committee agreed examples of what the impact of retro-fitting might be for a business needed to be researched and discussed in order to decide an amortization date.

Councilmember Atkins asked if the proposed ordinance deals with the color of lighting and Mr. Koscinski said it does not. He said the whiter lights offer better face recognition from a security standpoint, but they are not the most efficient bulbs. The higher pressure sodium bulbs, or yellow bulbs, are longer lasting and cheaper. Mr. Koscinski said the LED Main Street Lighting Project will hopefully provide some research on the color and cost efficiency for lighting.

Mr. Sean Rieger, Attorney for the Home Builders Association (HBA), asked to address the Committee and said the HBA agree with the light trespass issues. He felt all Norman commercial and industrial businesses will be affected by this ordinance and the lighting requirements could be a significant cost for them. He said the proposed ordinance could be a substantial issue for business and commerce in Norman, specifically the two year vacancy requirement. Mr. Rieger said the Saxon Warehouse Building was constructed in 2004, but since it has been vacant for over two years, any new business wishing to lease the building will have to retro-fit every exterior light. He said the new CVS Pharmacy and strip mall located at 36th Avenue N.W. and Tecumseh Road are currently under construction and this proposed ordinance will require them to retro-fit every exterior light. Mr. Reiger said there are significant issues with the proposed ordinance and urged Council to consider them before adopting a lighting ordinance. Mayor Rosenthal said for those locations where there would be no light trespass issues, one option might be to not require lighting to be upgraded; but those locations that do deal with light trespass would have an amortization period allowing them time to retro-fit lighting to come into compliance. She requested Mr. Reiger to bring input to the PC meeting scheduled August 26, 2010, to include which businesses might fall into a five year amortization period and which businesses might not.

Planning & Community Development Committee Minutes August 13, 2010 Page 3

Mr. Jud Foster, Director of Parks and Recreation, said there is and will be more public art placed in public parks and in public locations through out Norman that will have accent lighting. He asked Staff if the proposed ordinance will require this particular accent lighting to be turned off at 11:00 p.m. or will it be exempt. The Committee discussed and agreed theft of public art could be a problem if not properly lit and Councilmember Atkins felt the provision of security lighting would apply to public art. Mr. Koscinski said Staff can address access lighting on public art in public places however Council chooses and said under the proposed ordinance, property that is not zoned as single-family or residential, is considered commercial. He said it can be argued although the public art location is not a commercial business; it does remain *open* for 24 hours, thus allowing the lighting to remain on for 24 hours. Mr. Foster said Staff can and will make certain proper shielding is in place on all accent lighting for public art. The Committee discussed accent lighting, specifically lighting for American flags, and said it should remain exempt.

Items submitted for record

- 1. Memorandum dated August 5, 2010, from Mr. Doug Koscinski, AICP, Managèr, Current Planning Division, to Planning and Community Development Committee of the Norman City Council
- 2. Excerpts from the Canadian Security, September/October 1987, entitled, Lighting Design III" Providing Security and Safety for Walkways and Parking Areas
- 3. Excerpts from the Lighting Magazine, December 1991, entitled, Security Lighting: what we know and what we don't
- 4. Article from the National Crime Prevention Council entitled, Lighting up for Crime Prevention
- 5. Document from the City of Virginia Beach, Virginia, entitled, Crime Prevention through Environmental Design General Guidelines for Designing Safer Communities
- 6. Document from the Government of Western Australia entitled Designing Out Crime, Designing In People Lighting For Crime Prevention
- 7. Approaches to Open Space
- 8. Version 5.5 Draft Commercial Lighting Ordinance

MISCELLANEOUS DISCUSSION

Councilmember Butler provided an update on the Association of Central Oklahoma Governments' (ACOG) new transportation plan, Encompass 2035. She said the ACOG Board voted August 12, 2010, to approve the new projects selection criteria for Encompass 2035, which means projects that come before ACOG and are in the line up for construction will be evaluated not only on what level of service they provide, but a whole range of criteria relative to what makes a place more livable. Councilmember Butler said more consideration will be given for projects with more than one form of transportation, connectivity, and whether it supports economic development and/or mixed use. She said it conforms nicely with the new federal focus on livability and funding.

Councilmember Butler said Norman received a \$205,000 air quality grant for the controlled natural gas (CNG) vehicles. and ACOG will soon be announcing the opportunity to apply for funding for transportation enhancement projects. She said Norman received funding in the past for starting a bike route on State Highway 9 and as Oklahoma Department of Transportation (ODOT) widens and constructs Highway 9, the bike route will be constructed too. She asked Staff be ready to submit enhancement projects, possibly the West Main Street Downtown enhancements that was disapproved by ACOG as well as projects for Porter Avenue/Corridor. Councilmember Butler said \$600,000 is the most any city can receive for any one project. Mr. Lewis said Staff will be bringing forward a package of alternatives in the near future and requested Council help prioritize and pick which projects to submit to ACOG.

The meeting adjourned at 9:04 a.m.		
		i.
Attest: City Clerk	Mayor	

CITY COUNCIL STUDY SESSION MINUTES

August 17, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 17th day of August, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler Cubberley,

Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING AMENDING THE PROCEDURES AND POWERS OF THE GREENBELT COMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION INCLUDING BUT NOT LIMITED TO, GREENBELT ENHANANCEMENT STATEMENTS.

Ms. Kathryn Walker, Assistant City Attorney, provided background on the Greenbelt System to Council stating the Norman 2020 Land Use and Transportation Plan (LUP) established a greenbelt system for Norman and a Citizens Greenbelt Steering Committee was formed and provided a report in October 1997. She said the Greenbelt Task Force was appointed in 2000 to draft a plan for establishing a Greenbelt System and presented Green Dreams in 2002. In May 2004, Sections 4-2021 through 4-2025 were added to the Norman Code to establish the Greenbelt Commission (GC) for the purpose of promoting and protecting the public health, safety, and general welfare by creating a mechanism for providing a Greenbelt System. Ms. Walker said the GC begin working on amendments to the Code in 2007 so that a Greenbelt System to include preserved open spaces, protected natural areas, and greenways/trails in a system of land parcels will work to help maintain and preserve the beauty and livability of the City.

Ms. Walker said one of the duties of the GC was to propose an ordinance that would establish a Greenbelt System of open spaces, greenways and trail systems as well as dictate the contents, duties and responsibilities for the submission of Greenbelt Enhancement Statements (GES). The GC began working over two years ago, and presented the proposed ordinance to the Planning and Community Development Committee (PCDC) on May 21, and June 11, 2010.

The proposed ordinance amends several existing sections in Chapter 4 of the Code of Ordinances of the City of Norman and also adds five new sections. Section 4-2022 contains an amendment requiring the GC to meet "as required in furtherance of its duties set forth herein," so that a meeting is required only when there are developments to review. Current language requires the GC to meet at least once per month.

Section 4-2023 contains an amendment clarifying the duties of the GC to propose an ordinance defining, rather than establishing, a Greenbelt System and requiring all applications for a Land Use Plan (LUP) amendment, a Norman Rural Certificate of Survey, or a Preliminary Plat to submit a GES articulating how the subject development meets the goals and objectives for the Greenbelt System Plan. Ms. Walker said this language will exclude from the GC's review short form plats and zoning changes that do not require an accompanying plat.

Section 4-2023 provides definitions to assist in interpreting the remainder of the ordinance. The term "Green Space" has replaced "Open Space" as a result of the PCDC feedback to help avoid conflicts with the multiple references to open space in the Zoning Ordinance.

Section 4-2026 adds specific principles, goals, and purposes to guide both development applications and the GC in the furtherance of their duties including goals that were adopted from the Greenway Master Plan in November 2009, as well as goals articulated in the Norman 2025 LUP.

City Council Study Session Minutes August 17, 2010 Page 2

Section 4-2027 establishes the requirement of submission of a GES with applications for LUP Amendments, Rural Certificate of Surveys, and preliminary platting. Ms. Walker said this section was revised to provide for an "administrative bypass" after considerable discussion amongst the PCDC members. She said some development applications may not present an opportunity for greenbelt activity and therefore should not be required to submit a review to the GC. If the applicant indicates on the GES form there is no opportunity for greenbelt development, or if details of the application support such a finding, the Planning Director or his or her designee may issue a Finding of No Greenbelt Opportunity and the development application would not be reviewed by the GC. Other applications would be reviewed by the GC within the existing development timeline. The GC would provide an initial review after application for a Pre-Development Meeting is made with an official review by the GC occurring upon application for the Planning Commission.

Section 4-2028 provides guidelines by which the GC would review the GES submissions. It is not intended to regulate how property is developed; rather, the guidelines provide the tool for GC's comments about a proposed development.

Section 4-2029 requires all easements acquired by the City for expanding or enhancing the Greenbelt System be acquired in accordance with the guidelines and policies of the proposed ordinance and the subdivision regulations.

Ms. Walker said it should be noted the GC spent a considerable amount of time drafting the "whereas" clauses contained in the proposed ordinance and because the City does not typically include such clauses in its ordinances, it may be helpful to consider the effect of such language. She said if the ordinance were to be challenged, the fundamental rule employed by the Court would be to ascertain and give effect to the legislative intent, which is first divined from the language of the code provision itself. If the intent cannot be ascertained from the language itself, the rules of statutory construction are applied. The rules are typically invoked for the purpose of ascertaining the meaning of an undefined term, in which case the court might look to our other ordinances or even to the dictionary to define the term. Ms. Walker said it is not entirely clear what purpose the "whereas" clauses may serve in such an inquiry but it is unlikely the Court would use that language to ascertain legislative intent.

Councilmember Dillingham said she understands Staff's intent with the pre-ambulatory "whereas" clauses regarding the attempts at legislative intent, but felt legislative intent is clearly set out in Section 4-2026. She said when it is subjected to the rules for statutory construction coming forth through common law she felt it might be potentially confusing at the appellate level should the City ever have to go there with a lot of pre-ambulatory "whereas" clauses. Ms. Walker said when the Courts look at an ordinance to ascertain its meaning; if it is unclear they will try to stay within the ordinance. She said she could not find a case in Oklahoma where a "whereas" clause was the basis for legislative history and agreed Section 4-2026 does outline all the policies and adequate to show legislative intent if ever litigated. Councilmember Butler asked if the "whereas" clauses could be placed in an accompanying resolution and Council agreed that would be a better process.

Mayor Rosenthal asked for clarification of the proposed changes pertaining to the GES, specifically when there is no greenbelt opportunity, and asked if such would appear on the GC's agenda prior to going to the Planning Commission. Ms. Walker said because the decision would be made when the applicant applies for predevelopment, which is approximately a month before a Planning Commission, it would appear on the next available GC agenda, and therefore the GC would find out about the GES rather quickly. Mayor Rosenthal asked if the GC wished to comment on a particular finding of no greenbelt opportunity, would their comments become part of the public record and Ms. Walker said it could be included in the Staff report. Mayor Rosenthal felt any GC comments would be valuable.

City Council Study Session Minutes August 17, 2010 Page 3

Ms. Brenda Hall, City Clerk, said GC comments or concerns about the report could be noted in the GC minutes and go forward to the PC and Council. Councilmember Dillingham asked how the applicant would know if GC comments have been made and said one of the goals was to not have the applicant make an appearance at GC meetings resulting in a lesser charge for clients. Councilmember Cubberley asked what documentation will be submitted to the GC when a finding of no greenbelt opportunity exists and Ms. Walker said a copy of the GES as well as a detailed Staff report explaining the conditions that led to the finding. Council discussed and agreed the value of the comments, if any made, are important and Ms. Walker said the process can be refined to include any GC comments about no greenbelt opportunity.

Mayor Rosenthal said there is a desire for balance between the need for the GC to have some oversight for the greenbelt process, making sure the process goes smoothly, and does not add additional time or cost to the developer/applicant. She felt public record is important and having comments on the GC's agenda with the opportunity for comment does provide some oversight. She said it will at least draw attention to those applications where the GC's opinion might differ with the Staff's opinion. She felt it should be up to the development community to decide then whether the applicant would want to be at the meeting or not. Councilmember Kovach asked whether the GC's comments would override Staff's finding and Mayor Rosenthal said no. Councilmember Butler said the value is in the actual GC comments and those comments could be considered by the PC and Council. Councilmember Dillingham said if everything is going to the GC anyway then what is the value of an administrative bypass and Councilmember Cubberley felt putting the comments on a consent docket would take care of the issue. He said it will allow Staff to say whether the application warrants a full discussion and move forward. He felt the small amount of mistrust will be solved over time as Staff, GC, PC, and Council work through the process and a comfort level is obtained.

Councilmember Cubberley suggested putting no greenbelt opportunity findings on the GC consent agenda for a year; revisit and review the process at that time to make certain it is running smoothly and determine if any changes should be made. Councilmember Dillingham liked the idea of the consent docket because she felt it will give the developer(s) and/or applicant an opportunity to talk about any issues with either Staff, GC, etc. Mayor Rosenthal reminded the Committee even if items are put on the consent docket there may be occasions the items are pulled off the consent docket and agreed with Councilmember Cubberley that over time the concerns, issues, and process will become streamlined. The Committee discussed and agreed the no opportunity items should be put on consent docket and revisit this issue in a year to review the process.

Councilmember Kovach asked if easements could be acquired by the City for multiple purposes, i.e., trails along some of the drainage and storm water systems, and would it be possible for the City to obtain easements for maintenance purposes as well. Ms. Walker said she felt purposes for maintenance could be accommodated. Councilmember Kovach asked if there are tax incentives for citizens who wished to donate easements to the City and Ms. Walker said the City does not currently have any incentives; however, she believed there are tax benefits available but did not know the specifics.

Councilmember Kovach asked Staff to define "review" in the current ordinance Section 4-2025 and Ms. Walker said Council has the right to review everything the GC does, whether it is decisions or recommendations. Councilmember Kovach asked if "review" meant Council could override GC decision(s) or recommendation(s) and Ms. Walker said yes it does. Councilmember Dillingham felt the verbiage *decision* should be changed to evaluations or recommendations and the Committee agreed.

Councilmember Butler asked Staff to discuss Section 4-2023A(g), specifically Green Space definition and added language "...open to public use on such conditions as may be reasonably required by the granting authority." Ms. Walker said the verbiage was taken out of a memorandum based on PCDC feedback and the provision simply means if a citizen granted an easement to the City for a greenbelt, but wanted to put conditions on the easement such as they did not want it open for public access or only opened for public access during certain times; the granting authority would be the grantor of the easement and could request such provisions.

City Council Study Session Minutes August 17, 2010 Page 4

Mayor Rosenthal said the GC has requested adding verbiage "...through conservation easements or other means." to Section 4-2026(d)(6) and said felt it was important and acknowledges the way the City has embraced agricultural lands within the City.

Mayor Rosenthal suggested Staff make changes and add the additional language to the proposed ordinance and bring back to the PCDC for review, then back to Council for consideration.

Items submitted for the record

- 1. Memorandum dated August 11, 2010, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Honorable Mayor and Council Members
- 2. Proposed Ordinance No. O-1011-6
- 3. Article XXI Greenbelt Commission Norman City Code
- 4. City Council Planning and Community Development Committee Minutes dated May 21, 2010, June 11, 2010, and July 9, 2010
- 5. PowerPoint presentation entitled, "Proposed Amendments to the Greenbelt Ordinance," dated August 17, 2010

The meeting adjourned at 6:17	p.m.	
ATTEST:		
City Clerk	Mayor	

FINANCE COMMITTEE MINUTES

August 18, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 18th day of August, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Members Dillingham, Ezzell, Quinn, and Chair

Cubberley

ABSENT: None

OTHERS PRESENT: Cindy Rosenthal, Mayor

Al Atkins, Council Member Steve Lewis, City Manager

Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Ken Komiske, Utilities Director

Jud Foster, Parks & Recreation Director David Lisle, Westwood Golf Course

Ralph Cagigal, Parks & Recreation Superintendent

DISCUSSION REGARDING MUNICIPAL FINANCE SERIES

Anthony Francisco presented.

- Mayor would prefer a shorter series of talks with citizens.
- Francisco could combine sessions 3 and 4 into one session for a total of 4 sessions.
- Sessions would last one and a half to two hours each
- Cubberley likes the "card system" for patrons to write the questions down for staff to answer or research.
- Dillingham wanted to make sure that plenty of time would be allowed for session 4 and also likes "card system".
- Have pre-set questions regarding what other cities do in regards to municipal finance, such as "Do you use utility rates/funds to subsidize General Fund?"
- Ezzell suggested dropping session 4 and just have a handout/table with information from other cities.
- Lewis suggested adding on page 4, video streaming and forward to other Council members.
- Thursday nights are good for meetings will avoid Thursdays that transportation meetings are scheduled.
- Plan to start around October 1st and finish before Thanksgiving.
- City will issue press releases and other means to make citizens aware of sessions.

Finance Committee Minutes August 18, 2010 Page 2

Items submitted for the record

1. Municipal Finance Series proposed draft outline from Anthony Francisco, Finance Director

DISCUSSION REGARDING WESTWOOD GOLF COURSE FINANCIAL UPDATE

Jud Foster reviewed the memo in detail.

- In FYE 09 goal was set to increase revenue by 4%
- Weather has been a big factor
- Ezzell asked what other golf courses were spending on advertisement percent of income
- Could compare with what Westwood is spending and do we need to do more or less?
- Other courses practice/turnover in golf cart replacement

Items submitted for the record

1. Memo from Jud Foster, Parks & Recreation Director, to City Council Finance Committee dated August 11, 2010

<u>DISCUSSION REGARDING PLANNING FOR SEPTEMBER BUDGET RETREAT TO</u> REVIEW FYE 11 BUDGET

- Need to discuss employment issues
- After receipt of September sales tax collections numbers are in
- Update on budget expenditures and revenues above or below target by category
- Effect on budget of not having all employees furloughed one day per month
- Non-union employee savings from furlough
- Mayor suggested Saturday, September 18th from 8 to 12 for the retreat
- FYE 11 budget will be main topic
- If current sales tax collections hold, where will we be at year end for FYE 11
- Update on labor negotiations as of August 31, 2010.
- Look at utility rates/vote implications.
- Bonding capacity used vs. available and other cities' comparisons
- Use standard city comparison group
- Look at Capital Budget and go to voters more often use more bonding capacity to shift funds from capital penny (.01¢) to General Fund
- Give projections for end of FYE 11 budget and into FYE 12 budget

Items submitted for the record

1. Cost of City of Norman Programs – FYE 11, prepared by Suzanne Krohmer, Budget Manager

Finance Committee Minutes August 18, 2010 Page 3

DISCUSSION REGARDING PLANNING FOR FYE 2012 BUDGET

- Survey to citizens what services are needed most and where can "cuts" be made
- Survey needs to address General Fund services and not Enterprise Fund services

DISCUSSION REGARDING THE REVENUE / EXPENDITURE REPORT

• Sales tax collections are still flat – even with small increases in recent months

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated July 31, 2010.

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

No discussion on item.

Items submitted for the record

 City of Norman/Human Resources Department Recruitment and Selection Report dated August 9, 2010

The meeting adjourned at 7:20 p.m.		•
ATTEST:		
City Clerk	Mayor	`

PUBLIC MEETING MINUTES REGARDING PROPOSED WATER AND SANITATION RATE INCREASES

August 19, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, attended a Public Meeting at 6:30 p.m. in the Gymnasium at Truman Elementary School located at 600 Parkside Road on the 19th day of August, 2010, and notice of the meeting was posted at the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting. The City of Norman is hosting a Public Meeting to conduct a presentation of water and sanitation rate increases proposed in the upcoming August 24, 2010, election. Although this forum is not a regularly scheduled meeting of Council a quorum of Council was present; therefore, a summary of the forum is recorded as required by the Open Meeting Act.

Councilmembers Atkins, Butler, Ezzell,

Griffith, Quinn, Mayor Rosenthal

PRESENT:

ABSENT:	Councilmembers Cubberley, Dilliand Kovach	ingham,
PRESENTATION OF WATER AND SA UPCOMING AUGUST 24, 2010, ELECTION	ANITATION RATE INCREASES PROPOSED IN.	N THE
presented at the previous public meeting or projects that the rate increase could assist in capital project designed to address taste and of The public meeting provided an opportunity	ovided an overview of new information that had not a August 11, 2010. This included identifying future paying for as well as specific information about a prodor issues — ozonation and the level of toxins it will a for citizens to ask questions and provide comments that will be voted on by citizens on August 24, 2010.	e capital proposed remove.
Items submitted for the record		
1. PowerPoint presentation entit	tled, "Utilities Water Division," Norman Utilities Auth	nority
The meeting adjourned at 8:20 p.m.		
ATTEST:		
City Clerk	Mayor	
	•	

COUNCIL CONFERENCE MINUTES

August 24, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 24th day of August, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler, Cubberley,

Dillingham, Ezzell, Griffith, Kovach, Quinn,

Mayor Rosenthal

ABSENT: None

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-9 WITH CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$35,152 FOR THE FYE 2011 CONCRETE PROJECTS TO UTILIZE THE FULL BUDGET AMOUNT.

The six types of projects included in the FYE 11 Concrete Projects are as follows:

- ❖ Citywide Sidewalk Reconstruction Project assists property owners in repairing sidewalks and constructing new sidewalks along an entire City block
- ❖ Sidewalk Accessibility Project provides wheelchair ramps where none exist and rebuilds existing ramps that do not comply with the American with Disabilities Act (ADA) standards
- ❖ Sidewalk Program for Schools and Arterials Project − constructs new sidewalks adjacent to elementary schools that have no sidewalks and along walking routes to the school
- Downtown Area Sidewalks and Curbs repairs hazardous or deteriorated sidewalks, ramps, and curbs in the downtown area
- ❖ Concrete Valley Gutter Project constructs new concrete valley gutters in asphalt streets that are deteriorated or do not drain properly
- ❖ Miscellaneous Annual Drainage Project allows Staff to address small, unplanned drainage projects reported by citizens during the year

Mr. Shawn O'Leary, Director of Public Works, said Central Contracting Services, Inc., was the low bidder in the amount of \$229,443.50 and the engineers estimate was \$280,000. He said the bid was less than the budgeted amount and Change Order No. One will bring the bid closer to the budgeted amount to allow for more work to be done.

Items submitted for the record

- 1. Text File No. K-1011-9 dated August 10, 2010
- 2. Change Order No. One to Contract No. K-1011-9 with detail of projects

DISCUSSION REGARDING CHANGE ORDER NO. FOUR TO CONTRACT NO. K-0607-38 WITH WALTERS-MORGAN CONSTRUCTION, INC., DECREASING THE CONTRACT AMOUNT BY \$5,568.44 FOR THE WASTEWATER TREATMENT PLANT SLUDGE HANDLING PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Mark Daniels, Utilities Engineer, said on July 8, 2003, City Council approved Contract No. K-0304-28 authorizing Camp, Dresser and McKee, Inc., to prepare a preliminary design report for the Wastewater Treatment Plant (WWTP) Sludge Handling Improvements. On April 12, 2005, City Council approved Contract No. K-0405-136 with Amendment Nos. One and Two with HDR Engineering, Inc., to provide final design and bidding of the improvements to include a non-potable water system, digester cover improvements, digester mixing improvements, effluent flow measurement, and sludge handling improvements. On March 27,3007, City

City Council Conference Minutes August 24, 2010 Page 2

Council awarded Contract No. K-0607-38 to Walters-Morgan Construction, Inc., in the amount of \$6,115.000 for the WWTP Sludge Handling Improvements construction. Change Order No. One increasing the contact amount by \$174.041.51 was approved on September 11, 2007; Change Order No. Two increasing the contract amount by \$129,629.67 was approved on February 26, 2008; and Change Order No. Three increasing the contract amount by \$60,951.04 was approved on March 10, 2009. Mr. Daniels said the project is now complete and Change Order No. Four will decrease the contract amount by \$5,568.44 for a revised contract amount of \$6,474,053.79 with a revised completion date of April 20, 2009.

Mr. Daniels provided a summary of wastewater projects since 2001 as follows:

- ❖ WWTP Phase I Expansion \$15.4 million with \$2 million remaining
- ❖ WWTP Phase II Expansion \$8 million and \$12 million budgeted in FYE 12
- South Interceptors \$23 million with \$3 million remaining
- North Interceptors and Lift Station \$9.5 million with \$8.5 remaining

Mr. Daniels said \$7 million of the total spent was grant money. He said \$18 million has been spent on sewer maintenance since 2001.

Items submitted for the record

- 1. Text File No. K-0607-38 dated August 12, 2010
- 2. Change Order No. Four to Contract No. K-0607-38

PRESENTATION FROM DON WOOD, EXECUTIVE DIRECTOR OF THE NORMAN ECONOMIC DEVELOPMENT COALITION, REGARDING AN INDUSTRIAL LAND SURVEY.

Mr. Don Wood, Executive Director of the Norman Economic Development Coalition (NEDC), said the NEDC conducted an Industrial Land Survey to see how other communities purchase and develop business/industrial park property. He said years ago, developers in Norman developed small sites of approximate one to one and a half acres and their target market was a 10,000 square foot building. He said needs for large sites of five acres plus were not being met. He said businesses were not moving into Norman because the lots were not large enough to accommodate the 15,000 square foot plus buildings that included parking. He said NEDC approached the developers, but none were uninterested in developing large sites. He said 3M Company bought 116 acres in 1980 for future development of a plant and NEDC approached 3M Company regarding building a plant on the site, but 3M stated the site was not big enough. He said NEDC bought 150 acres from the Saxon Company and approached 3M again about building in Norman, but 3M said they did not like the typography of the site and finally admitted they were not interested in building a plant in Norman. Mr. Wood said NEDC bought the 3M land and sold portions of the land to a church, a developer to develop a neighborhood, and the rest has been sold to small businesses at the same cost NEDC paid for the land. He said an 18.5 acres site is left undeveloped, which is the best site in the industrial park and can accommodate a 200,000 foot building. He said there is also approximately 44 acres remaining to be developed from the land purchased from Saxon. He said the downsides of the two sites are they are on the southeast part of the City and will attract a large labor force from Oklahoma City, but the commuting time will be longer. He said if businesses recruit jobs too far north and the commuting time is too long, laborers will eventually quit and obtain jobs closer to home. Mr. Wood said a site is needed on the north side of Norman.

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Mr. Wood said NEDC Staff surveyed eight to ten communities across Oklahoma and cities with a population of less than 100,000 generally develop their own land for a business park through a public entity such as a Trust Authority for Economic Development using public funds. He said the Tulsa and Oklahoma City markets are big and dynamic enough that the private sector meets the needs with plenty of land available for competitive pricing. He said many of those cities also have infrastructure in place to serve the sites. Mr. Wood said Norman is a mid-size market that does not have the demand to create the competitive environment. He said City Council could play a role in the purchase, development, and financing of one or more 160 acre sites in preparation for opportunities that come our way and support business recruitment efforts. He said projects will move onto other communities if Norman cannot provide site ready accommodations.

Mr. Wood said some communities have trust authorities with sales tax money dedicated to the authority, which funds economic development. He said Norman could consider supporting a small dedicated sales tax for economic development with some funds being used to purchase, develop, and finance an industrial park property.

Councilmember Kovach asked if Norman is drawing in workers from Oklahoma City, how does that help Norman and Mr. Wood said companies look at a region for the labor pool and the smaller the region, the smaller the industrial development so NEDC promotes the greater metro area, which includes Norman. He said Norman being the headquarters for a large business is important because of their participation in community support and activities such as the United Way and their tax dollars. Councilmember Dillingham said even though some workers commute from Oklahoma City, those people usually run errands on their lunch hours spending their money in Norman and eat lunch in Norman, etc.

Mayor Rosenthal asked what other mid-size cities, in the shadows of larger metropolitan areas, do that might be innovative and interesting. Mr. Wood said most cities fund development from sales tax. Mayor Rosenthal said Ardmore had 3,200 acres for development and asked if that was acquired over a long period of time and Mr. Wood said Ardmore is an anomaly. He said they have a capital campaign to raise money every three years plus private donations so they are able to purchase large blocks of land.

Councilmember Ezzell asked what makes a city the most competitive; is it land, money available, incentive programs, etc. Mr. Wood said the University North Park Tax Increment District (UNPTIF) is the best tool for selling Norman because of the tax incentive and aesthetics of the property.

Councilmember Atkins said he would be interested in information on Jenks and Owasso because both are near Tulsa and had a large number of developments in recent years. Mr. Wood said he would check, but did not believe these cities have an organized Economic Development Group.

Councilmember Ezzell asked how much money Norman would have to commit to be competitive and Mr. Wood said Norman would probably want to acquire 160 acres at approximately \$20,000 per acre. He said the City could borrow the money and debt service would be approximately in the amount of \$200,000 per year.

Mayor Rosenthal said some cities use capital campaigns to raise money and asked for more detail on how that works. Mr. Wood said most cities such as Tulsa, Ardmore, and Oklahoma City hired a fund raising firm that gets a percentage of the money. Councilmember Cubberley asked if it were true that monies raised in capital campaigns generally come from oil companies and energy related companies that are more flush with cash and want the public relation benefits and Mr. Wood said yes and Norman does not have those deep pocket companies making it more of a challenge.

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Councilmember Kovach asked Mr. Wood what level of cooperation he sees between City and County government on economic development and Mr. Wood said in Lawton, they have an eight cent economic development sales tax through Comanche County that supports economic development, but that is the only city he knows where the County is involved.

Mayor Rosenthal said economic development will be discussed at the City Council Retreat and forming a committee to work on attracting and funding development will be a priority.

Mr. Wood introduced Mr. Derek Case, NEDC Intern, who will be doing research to identify companies that fit a certain profile for Norman and contacting these companies about locating in Norman.

Items submitted for the record

The meeting adjourned at 6:17 p.m.

1. Memorandum dated August 19, 2010, from Don Wood, Executive Director of NEDC, to Norman City Council with attached survey results for Bartlesville Development Corporation; Broken Arrow Chamber of Commerce; Greater Oklahoma City Chamber of Commerce; Lawton/Fort Sill Chamber of Commerce; Muskogee Development Authority; Norman Economic Development Coalition; Ponca City Development Authority; Shawnee Economic Development Foundation; Tulsa Metropolitan Chamber of Commerce; and Ardmore Development Authority

The meeting majorates at the property		
ATTEST:		
City Clerk	Mayor	

CITY COUNCIL MINUTES NORMAN UTILITIES AUTHORITY MINUTES NORMAN MUNICIPAL AUTHORITY MINUTES NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

August 24, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 24th day of August, 2010, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT:

None

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

CONSENT DOCKET

Councilmember Dillingham moved that Item 4 through Item 39 excluding Item 34 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Butler; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 39 excluding Item 34, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Item 4 through Item 39 excluding Item 34 were placed on the consent docket by unanimous vote.

Item 4, being:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF JULY 21, 2010
CITY COUNCIL CONFERENCE MINUTES OF AUGUST 10, 2010
CITY COUNCIL MINUTES OF AUGUST 10, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 10, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF AUGUST 10, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 10, 2010
PUBLIC MEETING MINUTES OF AUGUST 11, 2010

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Dillingham moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. City Council Finance Committee minutes of July 21, 2010
- 2. City Council Conference minutes of August 10, 2010
- 3. City Council minutes of August 10, 2010
- 4. Norman Utilities Authority minutes of August 10, 2010
- 5. Norman Municipal Authority minutes of August 10, 2010
- 6. Norman Tax Increment Finance Authority minutes of August 10, 2010
- 7. Public Meeting minutes of August 11, 2010

City Council Minutes

Page 2

August 24, 2010

Item 4, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

* * * *

Item 5, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF BREEA BACON TO THE LIBRARY BOARD; CYNTHIA GORDON TO THE PLANNING COMMISSION; MICHELLE CAREY TO THE ANIMAL SHELTER OVERSIGHT COMMITTEE; AND GREGORY HUFFMAN AND THERESA DICKSON TO THE TREE BOARD.

Councilmember Dillingham moved that the appointments be confirmed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

Text File No. AP-1011-10 dated August 9, 2010

and the question being upon confirming the appointments, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the appointments were confirmed.

* * * *

Item 6, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JULY 31, 2010, AND DIRECTING THE FILING THEREOF.

Councilmember Dillingham moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. RPT-1011-10 dated August 10, 2010, by Anthony Francisco
- 2. Finance Director's Investment Report of July 31, 2010

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

* * * *

Item 7, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JULY, 2010, AND DIRECTING THE FILING THEREOF.

Councilmember Dillingham moved that receipt of the reports be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. RPT-1011-11 dated August 10, 2010, by Carol Coles
- 2. Monthly Departmental Reports for the month of July, 2010

Participants in discussion

- 1. Ms. Gala Hicks, Director of Human Resources
- 2. Mr. Jeff Bryant, City Attorney
- 3. Mr. Steve Lewis, City Manager
- 4. Mr. Phil Cotten, Police Chief

and the question being upon acknowledging receipt of the reports and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of the reports acknowledged; and the filing thereof was directed.

* * * *

Item 8, being:

SUBMISSION OF THE WASTEWATER OVERSIGHT COMMITTEE ANNUAL REPORT AS OF JUNE 30, 2010.

Councilmember Dillingham moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. RPT-1011-13 dated August 10, 2010, by Suzanne Krohmer
- The City of Norman Wastewater Oversight Committee Annual Report as of June 30, 2010

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

* * * *

Item 9, being:

SUBMISSION OF THE FOURTH INCLUSIVE COMMUNITY REPORT SUBMITTED BY THE HUMAN RIGHTS COMMISSION.

Councilmember Dillingham moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. RPT-1011-14 dated August 17, 2010, by Carol Coles
- Norman's Fourth Inclusive Community Discussion dated August 17, 2010, from the Human Rights Commission

Participants in discussion

1. Mr. Michael Ridgeway, Chairman of the Human Rights Commission

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

* * * * *

Item 10, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-0910-58, CONTRACT NO. K-0910-168 IN THE AMOUNT OF \$17,250 WITH NORTHEASTERN IRRIGATION AND LANDSCAPING, L.L.C., AND RESOLUTION NO. R-1011-22 FOR THE GRIFFIN PARK TREE PLANTING PROJECT.

Councilmember Dillingham moved that Request for Proposal No. RFP-0910-58 from Northeastern Irrigation and Landscaping, L.L.C., for the Griffin Park Tree Planting Project be accepted; Contract No. K-0910-168 in the amount of \$17,250 be approved; the execution thereof be authorized; and Resolution No. R-1011-22 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-0910-168 dated August 4, 2010, by Mitch Miles, Park Planner
- Request for Proposal tabulation dated July 19, 2010, for the Griffin Park Tree Planting Project
- 3. Contract No. K-0910-168
- 4. Resolution No. R-1011-22
- Purchase Requisition No. 0000175206 dated August 18, 2010, in the amount of \$17,250 to Northeastern Irrigation and Landscaping, L.L.C.

and the question being upon accepting Request for Proposal No. RFP-0910-58 from Northeastern Irrigation and Landscaping, L.L.C., for the Griffin Park Tree Planting Project and upon the subsequent approval, authorization, and adoption, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Request for Proposal No. RFP-0910-58 from Northeastern Irrigation and Landscaping, L.L.C., for the Griffin Park Tree Planting Project accepted; Contract No. K-0910-168 in the amount of \$17,250 was approved; the execution thereof was authorized; and Resolution No. R-1011-22 was adopted.

Item 11, being:

CONSIDERATION OF BID NO. 1011-08, CONTRACT NO. K-1011-09 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF \$229,443.50, CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY \$35,152; PERFORMANCE BOND NO. B-1011-09, STATUTORY BOND NO. B-1011-10, MAINTENANCE BOND NO. MB-1011-05; AND RESOLUTION NO. R-1011-03 FOR THE FYE 2011 CONCRETE PROJECTS.

Councilmember Dillingham moved that all bids meeting specifications be accepted; the bid in the amount of \$229,443.50 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-09, Change Order No. One increasing the contract amount by \$35,152, and the performance, statutory, and maintenance bonds be approved; execution of the contract and change order be authorized; the filing of the bonds be directed; and Resolution No. R-1011-03 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- Text File No. K-1011-09 dated August 10, 2010, by Jack Burdett, Engineering Assistant
- 2. Bid tabulation for FYE 2011 Concrete Projects
- 3. Bid record dated July 22, 2010, for the FYE 2011 Concrete Projects
- 4. Contract No. K-1011-09
- 5. Change Order No. One to Contract No. K-1011-09
- 6. Performance Bond No. B-1011-09
- 7. Statutory Bond No. B-1011-10
- 8. Maintenance Bond No. MB-1011-05
- 9. Resolution No. R-1011-03
- Purchase Requisition No. 0000175255 dated August 19, 2010, in the amount of \$264,595.50 to Central Contracting Services, Inc.

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorization, directive, and adoption, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$229,443.50 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications Contract No. K-1011-09, Change Order No. One increasing the contract amount by \$35,152,, and the performance, statutory, and maintenance bonds were approved; execution of the contract and change order was authorized; the filing of the bonds was directed; and Resolution No. R-1011-03 was adopted.

* * * * *

Item 12, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1011-10; CONTRACT NO. K-1011-63 WITH CHAMBERS GOLF CONSTRUCTION (CGC), L.L.C., IN THE AMOUNT OF \$148,800; PERFORMANCE BOND NO. B-1011-37; STATUTORY BOND NO. B-1011-38, MAINTENANCE BOND NO. B-1011-38, AND RESOLUTION NO. R-1011-32 FOR THE GRIFFIN PARK LAKE IRRIGATION PUMP STATION PROJECT AND BUDGET APPROPRIATION.

Councilmember Dillingham moved that Request for Proposal No. RFP-1011-10 from CGC, L.L.C., for the Griffin Park Lake Irrigation Pump Station Project be accepted; Contract No. K-1011-63 in the amount of \$148,800 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; execution of the contract be authorized; Resolution No. R-1011-32 be adopted; and \$35,000 be appropriated from Project No. PC0012, Griffin Park Fishing Pier, Construction, (052-9639-452.61-01) to Project No. PC0004, Griffin Park Irrigation Lake, Construction (050-9639-452.61-01), which motion was duly seconded by Councilmember Cubberley;

Item 12, continued:

Items submitted for the record

- 1. Text File No. K-1011-63 dated August 11, 2010, by James Briggs
- Request for Proposal tabulation dated August 10, 2010 for the Griffin Park Lake Irrigation Pump Station Project
- 3. Contract No. K-1011-63
- 4. Performance Bond No. B-1011-37
- 5. Statutory Bond No. B-1011-38
- 6. Maintenance Bond No. MB-1011-38
- 7. Resolution No. R-1011-32
- 8. Purchase Requisition No. 0000175202 dated August 18, 2010, in the amount of \$148,800 to Chambers Golf Construction, L.L.C.

and the question being upon accepting Request for Proposal No. RFP-1011-10 from CGC, L.L.C., for the Griffin Park Lake Irrigation Pump Station Project and upon the subsequent approval, directive, authorization, adoption, and appropriation, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Request for Proposal No. RFP-1011-10 from CGC, L.L.C., for the Griffin Park Lake Irrigation Pump Station Project accepted; Contract No. K-1011-63 in the amount of \$148,800 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; execution of the contract was authorized; Resolution No. R-1011-32 was adopted; and \$35,000 was appropriated from Project No. PC0012, Griffin Park Fishing Pier, Construction, (052-9639-452.61-01) to Project No. PC0004, Griffin Park Irrigation Lake, Construction (050-9639-452.61-01).

* * * *

Item 13, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-11 FOR THE INSTALLATION OF PAVEMENT MARKINGS FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Dillingham moved that all bids meeting specifications on Section 1 be accepted and the bid be awarded to RoadSafe Traffic Systems, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. BID-1011-11 dated August 5, 2010, from Angelo Lombardo
- 2. Bid tabulation for Hot Applied Thermoplastic Pavement Markings

and the question being upon accepting all bids meeting specifications on Section 1 and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications on Section 1 accepted; and the bid was awarded to RoadSafe Traffic Systems, Inc., as the lowest and best bidder meeting specifications.

Thereupon, Councilmember Dillingham moved that all bids meeting specifications on Section 2 be accepted and the bid be awarded to Action Safety Supply as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. BID-1011-11 dated August 5, 2010, from Angelo Lombardo
- 2. Bid tabulation for Raised Pavement Markers Class C

Item 13, continued:

and the question being upon accepting all bids meeting specifications on Section 2 and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 2 accepted; and the bid was awarded to Action Safety Supply as the lowest and best bidder meeting specifications.

* * * *

Item 14, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF SCRIPTLOGIC CORPORATION SOFTWARE FROM FUTURE COM, LTD., IN THE AMOUNT OF \$41,497.66 FOR THE FINANCE DEPARTMENT.

Councilmember Dillingham moved that authorization for the purchase of ScriptLogic Corporation Software in the amount of \$41,497.66 from Future Com, LTD., for the Finance Department be approved, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. TMP-74 dated July 26, 2010, by Gary Lowe
- Quotation No. 1008805SB150048-1 dated August 6, 2010, in the amount of \$41,497.66 from Future Com
- 3. Purchase Requisition No. 0000174907 dated August 11, 2010, in the amount of \$41,497.66 to Future Com, LTD.

Participants in discussion

1. Mr. Anthony Francisco, Finance Director

and the question being upon approving authorization for the purchase of ScriptLogic Corporation Software in the amount of \$41,497.66 from Future Com, LTD., for the Finance Department, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and authorization for the purchase of ScriptLogic Corporation Software in the amount of \$41,497.66 from Future Com, LTD., for the Finance Department was approved.

* * * * *

Item 15, being:

CONSIDERATION OF THE CITY'S APPLICATION FOR PERMISSION TO CARRY ITS OWN RISK WITHOUT WORKERS' COMPENSATION INSURANCE.

Councilmember Dillingham moved that the application be approved, the execution thereof be authorized, and submission of the application to the Workers' Compensation Court Administrator for review and payment in the amount of \$500 be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. RPT-1011-12 dated August 10, 2010, by Clint Mercer
- Letter of transmittal dated August 25, 2010, from Clint Mercer, CPA, Risk Manager, to Richard Fisher, Director of Insurance, Workers' Compensation Court
- Oklahoma Workers' Compensation Court Employer's Application for Permission to Carry Its Own Risk Without Insurance dated August 1, 2010
- Workplace Safety Plan dated August 10, 2010, from Clint Mercer, CPA, Risk Manager, to Richard Fisher, Director of Insurance, Workers' Compensation Court

and the question being upon approving the application and upon the subsequent authorization and directives, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the application approved; the execution thereof was authorized and submission of the application to the Workers' Compensation Court Administrator for review and payment in the amount of \$500 were directed.

* * * * :

Item 16, being:

TEMPORARY EASEMENT NO. E-1011-18: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY EASEMENT FROM PAUL V. AND FANNIE S. BENSLEY IN THE AMOUNT OF \$1,000 IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Dillingham moved that Temporary Easement No. E-1011-18 be accepted and the filing of thereof with the City Clerk and payment in the amount of \$1,000 for the easement be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. E-1011-18 dated August 10, 2010, by John Clink
- 2. Table of temporary easements for the Robinson Street Underpass Project
- 3. Temporary Easement No. E-1011-18
- 4. Location map

and the question being upon accepting Temporary Easement No. E-1011-18 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Temporary Easement No. E-1011-18 accepted; and the filing thereof with the City Clerk and payment in the amount of \$1,000 for the easement was directed.

* * * *

Item 17, being:

TEMPORARY EASEMENT NO. E-1011-12: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY EASEMENT FROM EDWINDA ANN PATTERSON IN THE AMOUNT OF \$1,000 IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Dillingham moved that Temporary Easement No. E-1011-12 be accepted and the filing of thereof with the City Clerk and payment in the amount of \$1,000 for the easement be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. E-1011-12 dated August 10, 2010, by John Clink
- 2. Table of temporary easements for the Robinson Street Underpass Project
- 3. Temporary Easement No. E-1011-12
- 4. Location map

and the question being upon accepting Temporary Easement No. E-1011-12 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Temporary Easement No. E-1011-12 accepted; and the filing thereof with the City Clerk and payment in the amount of \$1,000 for the easement was directed.

* * * * *

Item 18, being:

TEMPORARY EASEMENT NO. E-1011-13: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY EASEMENT FROM ANTHONY L. AND DIAN STEWART IN THE AMOUNT OF \$950 IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Dillingham moved that Temporary Easement No. E-1011-13 be accepted and the filing of thereof with the City Clerk and payment in the amount of \$950 for the easement be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. E-1011-13 dated August 10, 2010, by John Clink
- 2. Table of temporary easements for the Robinson Street Underpass Project
- 3. Temporary Easement No. E-1011-13
- 4. Location map

and the question being upon accepting Temporary Easement No. E-1011-13 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Temporary Easement No. E-1011-13 accepted; and the filing thereof with the City Clerk and payment in the amount of \$950 for the easement was directed.

* * * * *

Item 19, being:

TEMPORARY EASEMENT NO. E-1011-14: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY EASEMENT FROM KRYSTAL GOLDING IN THE AMOUNT OF \$1,800 IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Dillingham moved that Temporary Easement No. E-1011-14 be accepted and the filing of thereof with the City Clerk and payment in the amount of \$1,800 for the easement be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. E-1011-14 dated August 10, 2010, by John Clink
- 2. Table of temporary easements for the Robinson Street Underpass Project
- 3. Temporary Easement No. E-1011-14
- 4. Location map

and the question being upon accepting Temporary Easement No. E-1011-14 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Temporary Easement No. E-1011-14 accepted; and the filing thereof with the City Clerk and payment in the amount of \$1,800 for the easement was directed.

* * * *

Item 20, being:

TEMPORARY EASEMENT NO. E-1011-15: CONSIDERATION OF ACCEPTANCE OF 'A TEMPORARY EASEMENT DONATED BY RANDY WALLACE IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Dillingham moved that Temporary Easement No. E-1011-15 be accepted and the filing of thereof with the City Clerk be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. E-1011-15 dated August 10, 2010, by John Clink
- 2. Table of temporary easements for the Robinson Street Underpass Project
- 3. Temporary Easement No. E-1011-15
- 4. Location map

and the question being upon accepting Temporary Easement No. E-1011-15 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Temporary Easement No. E-1011-15 accepted; and the filing thereof with the City Clerk was directed.

* * * *

Item 21, being:

CONSIDERATION OF A FINAL PLAT FOR VISTA SPRINGS ESTATES ADDITION, SECTION 2, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

Councilmember Dillingham moved that the final plat for Vista Springs Estates Addition, Section 2, be approved; the public dedications contained within the plat be accepted, the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final plat be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. FP-1011-3 dated August 9, 2010, by Ken Danner
- 2. Item description
- 3. Location map
- 4. Preliminary plat
- 5. Final plat
- 6. Staff Report dated November 13, 2008, recommending approval
- 7. Pertinent excerpts from Planning Commission minutes of November 13, 2008

and the question being upon approving the final plat Vista Springs Estates Addition, Section 2, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the final plat Vista Springs Estates Addition, Section 2, approved; the public dedications contained within the plat were accepted; the Mayor was authorized to sign the final plat, and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and the filing of the final plat was directed.

* * * *

Item 22, being:

CONSIDERATION OF RURAL CERTIFICATE OF SURVEY NO. COS-1011-1 SUBMITTED BY CHARLES AND DEBRA COTTON, MARK COX AND JOE ALEXANDER (MARK DEAL AND ASSOCIATES) FOR ALAMEDA 80, GENERALLY LOCATED NORTH OF ALAMEDA DRIVE ON THE EAST SIDE OF 72ND AVENUE N.E., AND ACCEPTANCE OF EASEMENT NO. E-1011-17.

Councilmember Dillingham moved that Norman Rural Certificate of Survey No. COS-1011-1 be approved, Easement No. E-1011-17 be accepted, and the filing of Norman Rural Certificate of Survey No. COS-1011-1 and Easement No. E-1011-17 with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. COS-1011-1 dated June 15, 2010, by Ken Danner
- 2. Location map
- 3. Norman Rural Certificate of Survey No. COS-1011-1
- 4. Staff Report dated July 8, 2010, recommending approval
- Predevelopment Summary Case No. PD-10-07 dated May 27, 2010, from Mark Cox, Charles and Debra Cotton, Alameda 80, L.L.C. located at the northeast corner of 72nd Avenue S.E. and Alameda
- 6. Easement No. E-1011-17
- 7. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Item 22, continued:

and the question being upon approving Norman Rural Certificate of Survey No. COS-1011-1 and upon the subsequent acceptance and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Norman Rural Certificate of Survey No. COS-1011-1 approved; Easement No. E-1011-17 was accepted and the filing of Norman Rural Certificate of Survey No. COS-1011-1 and Easement No. E-1011-17 with the Cleveland County Clerk was directed.

* * * *

Item 23, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$17,315.18 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER ICE STORM DAMAGE DURING DECEMBER 2009.

Councilmember Dillingham moved that reimbursement of funds in the amount of \$17,315.18 from FEMA for winter ice storm damage during December 2009 be accepted and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) be increased by \$17,315.18, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. OK-DR-1876-2 dated August 10, 2010, by James Fullingim

and the question being upon accepting reimbursement of funds in the amount of \$17,315.18 from FEMA for winter ice storm damage during December 2009 and upon the subsequent increase, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and reimbursement of funds in the amount of \$17,315.18 from FEMA for winter ice storm damage during December 2009 accepted; and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) was increased by \$17,315.18.

Item 24, being

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$6,562.39 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER ICE STORM DAMAGE DURING JANUARY 2010.

Councilmember Dillingham moved that reimbursement of funds in the amount of \$6,562.39 from FEMA for winter ice storm damage during January 2010 be accepted and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) be increased by \$6,562.39, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. OK-DR-1883-3 dated August 10, 2010, by James Fullingim

and the question being upon accepting reimbursement of funds in the amount of \$6,562.39 from FEMA for winter ice storm damage during January 2010 and upon the subsequent increase, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and reimbursement of funds in the amount of \$6,562.39 from FEMA for winter ice storm damage during January 2010 accepted; and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) was increased by \$6,562.39.

* * *

Item 25, being:

<u>LIMITED LICENSE NO. LL-1011-2</u> LIMITED LICENSE TO PLACE ONE (1) <u>S</u>IGN WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM CLEVELAND COUNTY YMCA FOR THE 9TH ANNUAL TIE-DYE TRI ON SEPTEMBER 26, 2010.

Councilmember Dillingham moved that Limited License No. LL-1011-2 to place one (1) sign within the public right-of-way pursuant to a request from the Cleveland County YMCA be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. LL-1011-2 dated August 10, 2010, by Wayne Stenis, Planner II
- Application for Limited License dated July 14, 2010, for one sign from the Cleveland County YMCA
- 3. Limited License No. LL-1011-2

and the question being upon approving Limited License No. LL-1011-2 to place one (1) sign within the public right-of-way pursuant to a request from the Cleveland County YMCA and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Limited License No. LL-1011-2 to place one (1) sign within the public right-of-way pursuant to a request from the Cleveland County YMCA approved; and the issuance thereof was authorized.

* * * *

Item 26, being:

<u>LIMITED LICENSE NO. LL-1011-3</u>: LIMITED LICENSE TO PLACE FIFTY (50) POLE BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM CAMPUS CORNER ASSOCIATION DURING THE UNIVERSITY OF OKLAHOMA FOOTBALL SEASON.

Councilmember Dillingham moved that Limited License No. LL-1011-3 to place fifty (50) pole banners within the public right-of-way pursuant to a request from Campus Corner Association be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. LL-1011-3 dated August 12, 2010, by Wayne Stenis, Planner II
- Letter of request dated August 10, 2010, from H. Rainey Powell, Campus Corner Association, to Brenda Hall, City Clerk
- 3. List of banner locations
- 4. Picture of banner
- 5. Limited License No. LL-1011-3

and the question being upon approving Limited License No. LL-1011-3 to place fifty (50) pole banners within the public right-of-way pursuant to a request from Campus Corner Association and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Limited License No. LL-1011-3 to place fifty (50) pole banners within the public right-of-way pursuant to a request from Campus Corner Association approved; and the issuance thereof was authorized.

* * * * *

Item 27, being:

SPECIAL CLAIM NO. SC-1011-2: A CLAIM SUBMITTED BY JIMMIE P. MOSES IN THE REDUCED AMOUNT OF \$3,000 FOR DAMAGES TO HIS VEHICLE DUE TO AN ACCIDENT WITH A POLICE VEHICLE AT THE INTERSECTION OF PORTER AVENUE AND WOODCREST DRIVE.

Councilmember Dillingham moved that Special Claim No. SC-1011-2 be approved and payment in the reduced amount of \$3,000 be directed contingent upon obtaining a Release and Covenant Not to Sue from Jimmie P. Moses, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. SC-1011-2 dated July 20, 2010, by Jeanne Snider
- Special Claim No. SC-1011-2 received June 2, 2010, submitted by Jimmie P. Moses in the amount of \$3,503.70
- Invoice CD Log No. 630-1 dated June 2, 2010, in the amount of \$3,503.70 from Leon Pierce Body Repairs, Inc.
- 4. Certificate of Title No. 140193082004 issued March 23, 1993, to Jimmie P. Moses
- 5. Official Oklahoma Traffic Collision Report No. 2010-06754 dated May 28, 2010
- Memorandum dated April 21, 2010, from Brenda Hall, City Clerk, to Phil Cotten, Police Chief, and Jeff Bryant, City Attorney

and the question being upon approving Special Claim No. SC-1011-2 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Special Claim No. SC-1011-2 approved; and payment in the reduced amount of \$3,000 was directed contingent upon obtaining a Release and Covenant Not to Sue from Jimmy P. Moses.

Item 28, being:

CHANGE ORDER NO. FOUR TO CONTRACT NO. K-0607-38: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-MORGAN CONSTRUCTION, INC. DECREASING THE CONTRACT AMOUNT BY \$5,568.44 AND INCREASING THE CONTRACT TIME BY 98 CALENDAR DAYS FOR THE WASTEWATER TREATMENT PLANT SLUDGE HANDLING IMPROVEMENTS AND FINAL ACCEPTANCE OF THE PROJECT.

Acting as the Norman Utilities Authority, Trustee Dillingham moved that Change Order No. Four to Contract No. K-0607-38 with Walters-Morgan Construction, Inc., decreasing the contract amount by \$5,568.44 and increasing the contract time by 98 calendar days be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$46,282 to Walters-Morgan Construction, Inc., be directed, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

- Text File No. K-0607-38, Chg #4, dated August 12, 2010, by Mark Daniels, Utilities Engineer
- Change Order No. Four to Contract No. K-0607-38 with itemized backup documentation
- Letter dated July 22, 2010, from Joel R. Cantwell, P.E., Project Manager, HDR Engineering, Inc., to Mr. Mark Daniels, P.E., Utilities Engineer with table of summary of items
- Engineer's Certification of Completion dated August 10, 2010, from Joel R. Cantwell, P.E., Project Manager, HDR Engineering, Inc., to Mr. Mark Daniels, P.E., Utilities Engineer
- 5. Purchase Order No. 145351 dated April 12, 2007, in the amount of \$6,115,000 adding Change Order No. One in the amount of \$174,041.52, Change Order No. Two in the amount of \$129,629.67; and Change Order No. Three in the amount of \$60,951.04 subtracting Change Order No. Four in the amount of \$5,568.44 and partial payments totaling \$6,367,867.91 leaving a balance of \$46,282

and the question being upon approving Change Order No. Four to Contract No. K-0607-38 with Walters-Morgan Construction, Inc., decreasing the contract amount by \$5,568.44 and increasing the contract time by 98 calendar days and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

YEAS:

Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Change Order No. Four to Contract No. K-0607-38 with Walters-Morgan Construction, Inc., decreasing the contract amount by \$5,568.44 and increasing the contract time by 98 calendar days approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$46,282 to Walters-Morgan Construction, Inc., was directed.

* * * * *

Item 29, being:

AMENDMENT NO. THREE TO CONTRACT NO. K-0708-42: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RJN GROUP, INC., IN AN AMOUNT NOT-TO-EXCEED \$150,000 TO PROVIDE PERMANENT WASTEWATER FLOW METERING SERVICES THROUGH AUGUST 28, 2011.

Acting as the Norman Utilities Authority, Trustee Dillingham moved that Amendment No. Three to Contract No. K-0708-42 with RJN Group, Inc., in an amount not-to-exceed \$150,000 through August 28, 2011, be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

- Text File No. K-0708-42, Amendment No. 3, dated July 6, 2010, by David Hager, Utilities Superintendent
- 2. Amendment No. Three to Contract No. K-0708-42 with Attachment A, Compensation
- Purchase Requisition No. 0000174451 dated August 2, 2010, in the amount of \$150,000 to RJN Group, Inc.

and the question being upon approving Amendment No. Three to Contract No. K-0708-42 with RJN Group, Inc., in an amount not-to-exceed \$150,000 through August 28, 2011, and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Amendment No. Three to Contract No. K-0708-42 with RJN Group, Inc., in an amount not-to-exceed \$150,000 through August 28, 2011, approved; and the execution thereof was authorized.

* * * *

Item 30, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0809-168: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND S & S FAMILY PROPERTIES, L.L.C., ADDING CONDITIONS FOR DEVELOPMENT OF ACQUIRED PROPERTY IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT.

Councilmember Dillingham moved that Amendment No. One to Contract No. K-0809-168 with S & S Family Properties, L.L.C., be approved and the execution thereof be authorized, which motion, was duly seconded by Councilmember Cubberley;

Items submitted for the record

- Text File No. K-0809-168, Amendment No. 1, dated August 19, 2010, by Blaine Nice
- 2. Amendment No. One to Contract No. K-0809-168

Participants in discussion

- 1. Ms. Shawn O'Leary, Director of Public Works
- 2. Ms. Judith Wilkins, 1100 West Symmes Street, made comments

and the question being upon approving Amendment No. One to Contract No. K-0809-168 with S & S. Family Properties, L.L.C., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0809-168 with S & S Family Properties, L.L.C., approved; and the execution thereof was authorized.

Item 31, being:

CONTRACT NO. K-1011-52: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN AND CLEVELAND COUNTY HISTORICAL SOCIETY IN AN AMOUNT NOT-TO-EXCEED \$31,500 FOR THE OPERATION OF THE HISTORICAL MUSEUM LOCATED AT 508 NORTH PETERS AVENUE AND 123 EAST BEAL STREET.

Councilmember Dillingham moved that Contract No. K-1011-52 with Norman and Cleveland County Historical Society in an amount not-to-exceed \$31,500 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-52 dated August 10, 2010, by Leah Messner
- 2. Contract No. K-1011-52

and the question being upon approving Contract No. K-1011-52 with Norman and Cleveland County Historical Society in an amount not-to-exceed \$31,500 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-52 with Norman and Cleveland County Historical Society in an amount not-to-exceed \$31,500 approved; the execution thereof was authorized was adopted.

* * * *

Item 32, being:

CONTRACT NO. K-1011-55: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE FIREHOUSE ART CENTER, INC., IN THE AMOUNT OF \$54,000 FOR THE OPERATION OF THE FIREHOUSE ART CENTER LOCATED AT 444 SOUTH FLOQD AVENUE.

Councilmember Dillingham moved that Contract No. K-1011-55 with the Firehouse Art Center, Inc., in the amount of \$54,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-55 dated August 10, 2010, by Leah Messner
- 2. Contract No. K-1011-55

and the question being upon approving Contract No. K-1011-55 with the Firehouse Art Center, Inc., in the amount of \$54,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-55 with the Firehouse Art Center, Inc., in the amount of \$54,000 approved; and the execution thereof was authorized.

* * * * *

Item 33, being:

CONTRACT NO. K-1011-56: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SMC CONSULTING ENGINEERS, P.C. IN THE AMOUNT OF \$97,200 FOR THE DESIGN OF THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST RAMP PROJECT AND BUDGET APPROPRIATION.

Acting as the Norman Tax Increment Finance Authority and City Council, Councilmember Dillingham moved that Contract No. K-1011-56 with SMC Consulting Engineers, P.C., in the amount of \$97,200 be approved; the execution thereof be authorized; and \$97,200 be appropriated from the TIF Fund Balance (057-0000-253.20-00) to Project No. UT0007, Robinson Street/I-35 Interchange Project, Design (057-9541-431.62-01), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-56 dated July 23, 2010, by John Clink
- Contract No. K-1011-56 with Attachment "A", Scope of Services; Attachment "B,"
 Anticipated Schedule and Period of Service; Attachment "C," Payments to Engineer;
 Attachment "D," Owner's Responsibilities; and Exhibit A, Preliminary Budget for Traffic and Roadway Improvements
- 3. Location map

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works

and the question being upon approving Contract No. K-1011-56 with SMC Consulting Engineers, P.C., in the amount of \$97,200 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-56 with SMC Consulting Engineers, P.C., in the amount of \$97,200 approved; the execution thereof was authorized and \$97,200 was appropriated from the TIF Fund Balance (057-0000-253.20-00) to Project No. UT0007, Robinson Street, I-35 Interchange Project, Design (057-9541-431.62-01).

* * * *

Item 34, being:

CONTRACT K-1011-57: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ARCHITECTS IN PARTNERSHIP IN THE AMOUNT OF \$65,000 TO PROVIDE ARCHITECTURAL SERVICES FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE RENOVATION OF THE JOE A. SMALLEY ARMY RESERVE CENTER.

Councilmember Cubberley moved that Contract No. K-1011-57 with Architects in Partnership in the amount of \$65,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Text File No. K-1011-57 dated August 9, 2010, by Linda Price
- 2. Contract No. K-1011-57

Participants in discussion

- 1. Ms. Linda Price, Revitalization Manager
- 2. Mr. Phil Cotten, Police Chief

and the question being upon approving Contract No. K-1011-57 with Architects in Partnership in the amount of \$65,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-57 with Architects in Partnership in the amount of \$65,000 approved; and the execution thereof was authorized.

* * * * *

Item 35, being:

CONTRACT NO. K-1011-62: A COST SHARING AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GOODMAN, INC., IN THE AMOUNT OF \$41,000 TO INCLUDE PROPERTY IN THE RIGHT-OF-WAY AS PART OF THE RESURFACING PROJECT ON MAIN STREET BETWEEN PORTER AVENUE AND CARTER AVENUE.

Councilmember Dillingham moved that Contract No. K-1011-62, a cost sharing agreement with Goodman, Inc., in the amount of \$41,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-62 dated August 17, 2010, by Greg Hall
- 2. Contract No. K-1011-62

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works

and the question being upon approving Contract No. K-1011-62, a cost sharing agreement with Goodman, Inc., in the amount of \$41,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried Contract No. K-1011-62, a cost sharing agreement with Goodman, Inc., in the amount of \$41,000 approved; and the execution thereof was authorized.

* * * *

Item 36, being:

CONTRACT NO. K-1011-64: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, IN THE AMOUNT OF \$42,594 FOR THE 60TH AVENUE N.W. WIDENING IMPROVEMENTS BETWEEN TECUMSEH ROAD AND INDIAN HILLS ROAD.

Councilmember Dillingham moved that Contract No. K-1011-64, a relocation agreement with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$42,594 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-64 dated August 10, 2010, by Lonnie Ferguson
- 2. Contract No. K-1011-64
- Purchase Requisition No. 0000175257 dated August 19, 2010, in the amount of \$42,594 to Oklahoma Natural Gas Company

and the question being upon approving Contract No. K-1011-64, a relocation agreement with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$42,594 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried Contract No. K-1011-64, a relocation agreement with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$42,594 approved; and the execution thereof was authorized.

Item 37, being:

CONTRACT NO. K-1011-65: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND PINNACLE CONSULTING MANAGEMENT GROUP, INC., FOR RIGHT-OF-WAY ACQUISITION AND UTILITY RELOCATION SERVICES.

Acting as the City Council and Norman Utilities Authority, Councilmember Dillingham moved that Contract No. K-1011-65 with Pinnacle Consulting Management Group, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-65 dated August 10, 2010, by Lonnie Ferguson
- 2. Contract No. K-1011-65 with Exhibit A, Rate Schedule, and Corporate Resolution

and the question being upon approving Contract No. K-1011-65 with Pinnacle Consulting Management Group, Inc., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried Contract No. K-1011-65 with Pinnacle Consulting Management Group, Inc., approved; and the execution thereof was authorized.

* * * *

Item 38, being:

CONTRACT NO. K-1011-66: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND SMITH ROBERTS LAND SERVICES, INC., FOR RIGHT-OF-WAY ACQUISITION AND UTILITY RELOCATION SERVICES.

Acting as the City Council and Norman Utilities Authority, Councilmember Dillingham moved that Contract No. K-1011-66 with Smith Roberts Land Services, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-66 dated August 10, 2010, by Lonnie Ferguson
- 2. Contract No. K-1011-66

and the question being upon approving Contract No. K-1011-66 with Smith Roberts Land Services, Inc., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried Contract No. K-1011-66 with Smith Roberts' Land Services, Inc., approved; and the execution thereof was authorized.

* * * * *

Item 39, being:

RESOLUTION NO. R-1011-27: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR IMPROVEMENTS AT THE INTERSECTION OF ROBINSON STREET AND INTERSTATE DRIVE, AND FOR THE EXTENSION OF INTERSTATE DRIVE FROM ROBINSON STREET TO MOUNT WILLIAMS DRIVE.

Councilmember Dillingham moved that Resolution No. R-1011-27 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. R-1011-27 dated August 9, 2010, by Angelo Lombardo
- Contract No. K-0607-45 with Exhibit A, Preliminary Budget for Traffic and Roadway Improvements; Exhibit B-1, Developer and UNP Certificate of Completion; and Exhibit B-2, City and Authority Certificate of Completion
- 3. Resolution No. R-1011-27
- 4. Location map
- 5. Application for Project Consideration in the FFY 2011-2014 OCARTS Transportation Improvement Plan dated August 25, 2010 with the 80% Federal Share of \$1,106,834.40 and the City's 20% of \$254,208.60 for a total amount of \$1,271.043

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works

and the question being upon adopting Resolution No. R-1011-27, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Resolution No. R-1011-27 was adopted.

* * * *

Item 40, being:

RESOLUTION NO. LUPR-0910-1: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-0910-9, SO AS TO PLACE THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA DESIGNATION AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA DESIGNATION FOR THE ENTIRE PARCEL, AND PLACE TRACT 2 IN THE OFFICE DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED 1/2 MILE WEST OF 36TH AVENUE N.W. ON THE NORTH SIDE OF INDIAN HILLS ROAD)

Councilmember Kovach moved that Resolution No. LUPR-0910-1, Land Use Plan Amendment No. LUP-0910-9, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended thereto, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Text File No. LUPR-0910-1 dated July 28, 2010, by Doug Koscinski
- 2. Resolution No. LUPR-0910-1, Land Use Plan Amendment No. LUP-0910-9
- 3. Location map
- 4. Staff Report dated July 8, 2010, recommending approval
- 5. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Participants in discussion

- 1. Mr. Tom McCaleb, SMC Consulting Engineers, P.C., 815 West Main Street, Oklahoma City, engineer representing the applicant
- 2. Mr. Shawn O'Leary, Director of Public Works
- 3. Mr. Jeff Bryant, City Attorney
- 4. Ms. Susan Connors, Director of Planning and Community Development

Item 40, continued:

and the question being upon adopting Resolution No. LUPR-0910-1, Land Use Plan Amendment No. LUP-0910-9 and upon the subsequent amendment, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. LUPR-0910-1, Land Use Plan Amendment No. LUP-0910-9 adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended thereto.

* * * * *

Item 41, being:

ZONING ORDINANCE NO. ZO-0910-5: A ZONING ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE THE EAST HALF OF THE SOUTH-WEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ONE-HALF MILE WEST OF 36TH AVENUE N.W. ON THE NORTH SIDE OF INDIAN HILLS ROAD)

Zoning Ordinance No. ZO-0910-5 having been Introduced and adopted upon First Reading by title in City Council's meeting of August 10, 2010, Councilmember Quinn moved that Zoning Ordinance No. ZO-0910-5 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- 1. Text File No. ZO-0910-5 dated May 18, 2010, by Doug Koscinski
- 2. Zoning Ordinance No. ZO-0910-5 with Exhibit A, Site Development Plan
- 3. Location map
- 4. Staff Report dated July 8, 2010, recommending approval
- 5. Preliminary plat
- 6. Pertinent excerpts from Planning Commission minutes of June 10 and July 8, 2010

and the question being upon adopting Zoning Ordinance No. ZO-0910-5 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Zoning Ordinance No. ZO-0910-5 was adopted upon Second Reading section by section.

Thereupon, Councilmember Quinn moved that Zoning Ordinance No. ZO-0910-5 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Dillingham; and the question being upon adopting Zoning Ordinance No. ZO-0910-5 upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Zoning Ordinance No. ZO-0910-5 was adopted upon Final Reading as a whole.

Item 42, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR REDLANDS ADDITION AND WAIVER OF ALLEY REQUIREMENTS.

Councilmember Ezzell moved that the preliminary plat and waiver of alley requirements for Redlands Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- Text File No. PP-1011-6 dated August 5, 2010, by Ken Danner with attached traffic impact analysis and table of intersection improvement costs
- 2. Item description
- Location map
- 4. Preliminary site plan
- Preliminary plat
- 6. Staff Report dated July 8, 2010, recommending approval
- Letter requesting alley waiver dated June 30, 2010, from Ole M. Marcussen, P.E., to Mr. Zev Trachtenberg, Chairman, Planning Commission
- Development Review Form, Transportation Impacts, dated July 1, 2010, by David R. Riesland, P.E., Assistant City Traffic Engineer, for Redlands Preliminary Plat
- 9. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Thereupon, Councilmember Dillingham moved that the preliminary plat and waiver of alley requirements for Redlands Addition be postponed indefinitely, which motion was duly seconded by Councilmember Kovach; and the question being upon postponing indefinitely the preliminary plat and waiver of alley requirements for Redlands Addition, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butlèr, Cubberley, Dillingham, Kovach, Quinn,

Mayor Rosenthal

NAYES: Councilmembers Ezzell and Griffith

The Mayor declared the motion carried and the preliminary plat and waiver of alley requirements for Redlands Addition were postponed indefinitely.

Item 43, being:

ZONING ORDINANCE NO. ZO-1011-1: A ZONING ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0506-3, THE COMMERCE PARKWAY PLANNED UNIT DEVELOPMENT, TO CREATE AN ADDITIONAL LOT FOR A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION THIRTY-FIVE, TOWNSHIP TEN NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NE CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD.

Zoning Ordinance No. ZO-1011-1 having been Introduced and adopted upon First Reading by title in City Council's meeting of August 10, 2010, Councilmember Ezzell moved that Zoning Ordinance No. ZO-1011-1 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. ZO-1011-1 dated June 15, 2010, by Doug Koscinski
- 2. Zoning Ordinance No. ZO-1011-1 with Exhibit A, Site Development Plan
- 3. Location map
- 4. Staff Report dated July 8, 2010, recommending approval
- Planned Unit Development Narrative for Commerce Parkway Addition revised June 7, 2010, by SMC Consulting Engineers, P.C.
- Predevelopment Summary Case No. PD 10-12 dated June 24, 2010, for Hallbrooke Development Group One, L.L.C., for property located on the northeast corner of 36th Avenue N.W. and Indian Hills Road
- 7. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Participants in discussion

 Mr. Tom McCaleb, SMC Consulting Engineers, P.C., 815 West Main Street, Oklahoma City, engineer representing the applicant Item 43, continued:

and the question being upon adopting Zoning Ordinance No. ZO-1011-1 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler. Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Zoning Ordinance No. ZO-1011-1 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Zoning Ordinance No. ZO-1011-1 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Zoning Ordinance No. ZO-1011-1 upon Final Reading as a whole, the roll was called with the following result:

Atkins, YEAS: Councilmembers Butler. Cubberley, Dillingham, Ezzell, Griffith.

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Zoning Ordinance No. ZO-1011-1 was adopted upon Final Reading as a whole.

Item 44, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR COMMERCE PARKWAY ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIRE-MENTS FOR COMMERCIAL PROPERTY AND SIDEWALK IMPROVEMENTS ADJACENT TO INTERSTATE DRIVE.

Councilmember Kovach moved that the revised preliminary plat and waiver of alley requirements for commercial property and sidewalk improvements adjacent to Interstate Drive for Commerce Parkway Addition, a Planned Unit Development, be approved, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- Text File No. PP-1011-7 dated August 9, 2010, by Ken Danner with attached traffic impact analysis
- Item description
- Location map
- Revised preliminary site development plan
- Revised preliminary plat 5.
- Oil well site plan
- Staff Report dated July 8, 2010, recommending approval
- Pertinent excerpts from Planning Commission minutes of July 8, 2010
- Letter requesting alley waiver dated July 1, 2009, from Walt Joyce, Triad Design Group, to Jim Gasaway, Planning Commission

and the question being upon approving revised preliminary plat and waiver of alley requirements for commercial property and sidewalk improvements adjacent to Interstate Drive for Commerce Parkway Addition, a Planned Unit Development, a vote was taken with the following result:

YEAS: Councilmembers Atkins. Butler. Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the revised preliminary plat and waiver of alley requirements for commercial property and sidewalk improvements adjacent to Interstate Drive for Commerce Parkway Addition, a Planned Unit Development, was approved.

Item 45, being:

RESOLUTION NO. LUPR-1011-1: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACES LOTS 7, 8, 9, 10, 11, AND 12, BLOCK 3 OF J.A. JONES ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (702 NORTH PORTER AVENUE.

Councilmember Dillingham moved that Resolution No. LUPR-1011-1 be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Text File No. LUPR-1011-1 dated June 15, 2010, by Doug Koscinski
- 2. Resolution No. LUPR-1011-1, Land Use Plan Amendment
- 3. Location map
- 4. Staff Report dated July 8, 2010, recommending approval
- 5. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Participants in discussion

 Mr. Tom McCaleb, SMC Consulting Engineers, P.C., 815 West Main Street, Oklahoma City, engineer representing the applicant

and the question being upon adopting Resolution No. LUPR-1011-1, and upon the subsequent amendment, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Resolution No. LUPR-1011-1 was adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * ;

Item 46, being:

ZONING ORDINANCE NO. ZO-1011-2: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 3 OF J.A. JONES ADDITION, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTIFAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (702 N. PORTER AVENUE)

Zoning Ordinance No. ZO-1011-2 having been Introduced and adopted upon First Reading by title in City Council's meeting of August 10, 2010, Councilmember Dillingham moved that Ordinance No. ZO-1011-2 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Text File No. ZO-1011-2 dated June 15, 2010, by Doug Koscinski
- 2. Zoning Ordinance No. ZO-1011-2 with Exhibit A, Site Development Plan
- 3. Location map
- 4. Resolution No. R-0910-132
- 5. Staff Report dated July 8, 2010, recommending approval
- Predevelopment Summary Case No. PD 10-10 dated June 24, 2010, for Tarahumara Mexican Café and Cantina for property located at 702 North Porter
- 7. Pertinent excerpts from Planning Commission minutes of July 8, 2010

and the question being upon adopting Zoning Ordinance No. ZO-1011-2 upon Second Reading section by section, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

Item 46, continued:

Thereupon, Councilmember Dillingham moved that Zoning Ordinance No. ZO-1011-2 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Atkins; and the question being upon adopting Zoning Ordinance No. ZO-1011-2 upon Final Reading as a whole, the roll was called with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Zoning Ordinance No. ZO-1011-2 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

<u>Porter Corridor</u>. Councilmember Dillingham said progress was made this evening and she was very proud that the Porter Corridor stakeholders and business owners had worked together for a common goal.

<u>University North Park</u>. Councilmember Cubberley said there had been criticism about some of the architectural designs at University North Park which are legitimate criticisms and concerns. He said it was time for Council to consider doing an overlay district adopting the standards and the architectural standards to assure the public that those architectural standards will be met. He said this had been promised and we have fallen short. He said Council needs to look at a different way of assuring these standards are met. He asked Staff to draft an overlay district for the entire TIF District to adopt the standards agreed to by the landowners, developers, and the City.

k

School Has Started. Councilmember Quinn said school has started and asked citizens to watch out for children.

*

Shop Norman. Councilmember Quinn reminded everyone to "Shop Norman."

ADJOURNMENT

There being no further business, Councilmember Kovach moved that the meeting be adjourned, which motion was duly seconded by Councilmember Atkins; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the meeting was adjourned at 8:30 p.m.

ATTEST:

City Clerk Mayor

CITY COUNCIL SPECIAL SESSION MEETING MINUTES

August 31, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session meeting at 5:34 p.m. in the Municipal Building Conference Room on the 31st day of August, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Atkins, Butler, Cubberley,

Dillingham, Ezzell, Griffith, Kovach, Quinn,

Mayor Rosenthal

ABSENT:

None

Item 1, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(24) TO DISCUSS NEGOTIATIONS REGARDING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.

Councilmember Cubberley moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss negotiations regarding employees and representatives of employee groups, which motion was duly seconded by Councilmember Kovach; and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to discuss negotiations regarding employees and representatives of employee groups, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal *

NAYES:

None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to discuss negotiations regarding employees and representatives of employee groups.

The City Council adjourned into Executive Session at 5:35 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Gala Hicks, Director of Human Resources; Mr. Anthony Francisco, Director of Finance; Mr. Michael Bates, Labor Relations Consulting Services; and Mr. Charlie Plumb, Attorney at Law, McAfee and Taft, were in attendance at the Executive Session.

* Councilmember Dillingham arrived at 5:36 p.m.

Mayor Rosenthal acknowledged return to Open Session.

Thereupon, Councilmember Quinn moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Butler; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the Special Session was reconvened at 7:42 p.m.

The Mayor said discuss negotiations regarding employees and representatives of employee groups were discussed in Executive Session. No action was taken and no votes were cast.

* * * *

ADJOURNMENT	V
There being no further business, Councilmember Quinn mas duly seconded by Councilmember Butler; and the ques was taken with the following result:	
YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None
The Mayor declared the motion carried and the meeting was adjourned at 7:45 p.m.	
ATTEST:	

Mayor

Special Session Minutes August 31, 2010 Page 2

City Clerk

FINANCE COMMITTEE MINUTES

September 2, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met in a Special meeting, at 5:30 p.m. in the Municipal Building Study Session Room on the 2nd day of September, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Members Dillingham, Ezzell, Quinn, and Chair

Cubberley

ABSENT: None

OTHERS PRESENT: Al Atkins, Council Member

Rachel Butler, Council Member Steve Lewis, City Manager

Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Ken Komiske, Utilities Director

Kathryn Walker, Assistant City Attorney II

Mark Daniels, Utilities Engineer

Chris Mattingly, Utilities Superintendent Scottie Williams, Utilities Superintendent

Andrew Knittle, Norman Transcript

Chair Cubberley opened the meeting with comments about decisions that need to be made in regards to utility services provided by the City of Norman. The recent vote by the people was not a positive vote. This meeting is to study issues of the gap in revenues for the FYE 11 budget resulting from this vote. Council must have a balanced budget and recommendations need to be made to full Council for necessary budget changes. We will have a Study Session in two weeks and will bring proposals to full Council for adoption. Discussion items are:

- Services provided by Sanitation and Water Divisions
- Fees charged for services
- Capital needs of Sanitation and Water Divisions
- Will view a multi-year perspective
- 2009 Citizens Survey handout

DISCUSSION REGARDING FYE 11 SANITATION BUDGET REVIEW

Ken Komiske, Utilities Department Director, presented. Handout detailed some of the operations that might be dropped and estimated savings. Also discussed were possible fees that could be increased and capital items that could be dropped from the FYE 11 budget to save additional funds. Items for the Committee to discuss are:

Finance Committee Minutes September 2, 2010 Page 2

- Item 1.A savings from eliminating Fall cleanup is approximately \$90,000 and Spring cleanup is approximately \$130,000
- Item 1.B. reducing yard waste pickup in the winter months (Dec, Jan, Feb)
 - Reduce to every other week \$17,000
 - No pick up for 3 months \$34,000
 - All savings assume one-half of yard waste goes to landfill and includes disposal cost
 - Requires amendment to City Code of Ordinances
- Item 1.C. eliminate or reduce alley polycart pickup
- Item 1.D. eliminate the 3 drop off recycling centers
- Item 2.A. increase extra polycart fee existing fee is \$5/month
- Item 2.B. increase transfer station fee for dropped off materials
- Item.2.C. delinquent accounts charge to remove customers polycart and return after payment
- Item 3.A. Capital Project savings:
 - CNG grant for Unit 253 approximate savings \$80,000
 - delay replacement of Unit 236 approximate savings \$307,994
 - delay replacement of Unit 294 approximate savings \$123,877
- Sanitation will continue to purchase polycarts and dumpsters
- Cubberley wants cost of bulk pickup by City to reflect "charging actual cost for service to customer"
- Atkins make sure that citizens know they can bring items to transfer station for free
- Ezzell Committee recommends \$2.50 fee for extra polycarts
- Cubberley reinitiation fee should be comparable to water re: delinquent accounts
- Cubberley redo Sanitation election for March election (primaries)
- Cubberley review fees charged for sanitation services for festivals held each year

Items submitted for the record

Report on Sanitation Division Savings and Additional Fees prepared by Utilities
Department

DISCUSSION REGARDING FYE 11 WATER BUDGET REVIEW

Ken Komiske, Utilities Department Director, presented. Handout detailed some of the operations that might be dropped and estimated savings. Also discussed were possible fees that could be increased and capital items that could be dropped from the FYE 11 budget to save additional funds. Items for the Committee to discuss are:

- Item 1.A. eliminate water usage from Oklahoma City for non-emergencies
- Item 1.B. reduce operating pressures by operating water towers at a lower water level will reduce power cost
- Item 1.C. 2 water maintenance positions approximate savings \$75,000
- Item 2.A. increase meter turn/off fee relative to time and reason
- Item 2.B. each year line maintenance investigates about 300 high water usage calls charge fee for service

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- Item 2.C. charge for private fire sprinklers currently do not
- Item 2.D. charge contractors for water used to flush out newly installed lines
- Item 2.E. surcharge to recover current cost of emergency water from Oklahoma City would need to be voted on by the citizens
- Item 3.A eliminate new water tower in FYE 2012 approximate savings \$2,700,000
- Item 3.B. eliminate water rights bond of \$7 million FYE 2011 approximate savings \$950,000/year
- Item 3.C. eliminate paint/maintenance of Boyd Water Tower FYE 2011 approximate savings \$540,000
- Item 3.D. eliminate purchase land for new water tower FYE 2011 approximate savings \$100,000
- Item 3.F. eliminate new arsenic removal treatment for two wells FYE 2011 approximate savings \$1,400,000
- Item 3.G. eliminate replacing Flood Avenue water line FYE 2011 approximate savings \$900,000
- Item 3.H. eliminate replacing Berry road water line FYE 2011 approximate savings \$1,500,000
- Item 3.I. replace \$8 million ozone project with UV-PAC (Ultraviolet light Powdered Activated Carbon) approximate savings \$2 million construction costs
- Ezzell Long-term pricing contract with Oklahoma City is opposed to Items 1A-eliminate water usage from Oklahoma City for non-emergencies; and 1B-reduce operating pressures by operating water towers at a lower water level
- 2003 analysis update Oklahoma City prices
- Long-term contract basis (inflationary factor added) Oklahoma City has voted for 8%, 6%, 6% increases over next 3 years is built into Oklahoma City rate structure
- Cubberley against water pressure decrease
- Cubberley wants "peak demand rate" to cover increase costs to Oklahoma City
- City already has an inverted water rate
- Walker surcharges for Oklahoma City vote of people probably needed
- Cubberley next vote, propose surcharge fee as well
- Item 2. Extra Fees
 - A-meter turn off/on fee if meter is wrong then don't charge
 - B-water usage calls and investigation if meter is wrong then don't charge
- Cubberley look at 2D charge for contractors for water used to flush out newly installed water lines
- Dillingham charge for any personal use
- Committee is opposed to elimination of Item 3-Capital Projects A. FYE 2012 eliminate new water tower construction
- Ezzell look at sprinkler fee every other year
 - come-late services with fees based on costs
- Cubberley fees need to be reflective of costs
- Dillingham match cost of service to cost to customer

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- Suzanne Krohmer discussed sanitation services in other cities information on chart (page 6).
- Cubberley asked if recycling centers paid for themselves not for labor
- Discussed prices paid for recycled materials
- Discussed extra services provided by Sanitation Division employees for handicapped (both permanent and part-time)

Committee recommends meeting with full Council on September 28th and making FYE 11 budget decisions. Council can bring up vote/election at any time.

Items submitted for the record

1.	Report on Water	Division Savings	s and Additional	Fees prepared b	y Utilities Departmen

The meeting adjourned at 7:24 p.m.		
		1
ATTEST:		
City Clerk	Mayor	

CITY COUNCIL STUDY SESSION MINUTES

September 7, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:35 p.m. in the Municipal Building Conference Room on the 7th day of September, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler Cubberley,

Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor

Rosenthal

ABSENT: None

DISCUSSION REGARDING TRANSPORTATION ENHANCEMENT PROGRAM PROJECT OPTIONS TO BE SUBMITTED TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION.

Every two years the Oklahoma Department of Transportation (ODOT) invites communities to apply for Transportation Enhancements Program (TEP) funds and this presentation explains the purpose and history of a TEP recommended by the City. Mr. Angelo Lombardo, Traffic Engineer, said Staff, the Council Transportation Committee (CTC), and the Bicycle Advisory Committee (BAC) have discussed several possible TEP projects. The four recommended projects, in priority order, include:

- 1. Downtown Main Streetscape (West End University Boulevard to the railroad tracks)
- 2. Legacy Trail Extension 24th Avenue N.W. (Robinson Street to Rock Creek Road) and 36th Avenue N.W. (Rock Creek Road to Tecumseh Road)
- 3. State Highway 9 Bicycle Path Project, Phase 2
- 4. Porter Avenue Streetscape

Mr. Lombardo said the scope of a TEP is very specific, goes beyond traditional transportation projects, and relates to intermodal transportation systems by function, proximity, or impact. He said a TEP must meet one or more of the following enhancement categories:

- Pedestrian and Bicycle Facilities;
- Pedestrian and Bicycle Safety and Education Activities;
- Acquisition of Scenic or Historic Easements and Sites:
- Scenic or Historic Highway Programs;

- Landscaping and Scenic Beautification:
- Historic Preservation; Control/Removal of Outdoor Advertising;
- Rehabilitation and Operation of Historic Transportation Buildings;
- Preservation of Abandoned Railway Corridors;

- Archaeological Planning and Research;
- Mitigation of Highway Runoff and Provision of Wildlife Connectivity; or
- Establishment of Transportation Museums.

Mr. Lombardo said the TEPs are funded at 80% maximum by the Safe, Efficient, Flexible, Effective Transportation Equity Act: a Legacy for the User (SAFETEA-LU) and the funds come through the Surface Transportation Program (STP). He said the TEPs are administered for the United States Department of Transportation by the Federal Highways Administrative (FHWA) and through the Special Projects Branch of ODOT at the state level. Approximately 10% of Oklahoma Federal Surface Transportation Program Funds are used for TEPs. He said the funding works on a cost reimbursement basis, i.e., if the City is given funding for one of these projects, the City bares the cost initially then ODOT will reimburse the City. The cap for Federal funding is limited to \$600,000 on TEPs and the applicant must agree to provide at least 20% matching funds.

The pre-application for a TEP is due by October 1, 2010, and, if accepted, a final application is due by January 3, 2011. Mr Lombardo said approved TEPs will be posted on ODOT's website by June 2011 and funds will be available October 2011.

Mr. Lombardo provided a history of City TEP requests and said, over the years, all were selected except for the Downtown Main Street Improvements Project - West (DMSIPW) submitted in FY0708 and FY0910:

Mr. Lombardo said the TEP process began with Staff providing a preliminary list of potential projects and the BAC ranked the potential multimodal trail projects in priority order to include: 36th Avenue NW Trail, 24th Avenue NW Trail, and SH 9 Phase 2 Trail. He said the CTC also recommended two projects at their scheduled meeting on August 26, 2010, and the Parks Board recently adopted the bike trail project priorities as recommended by the BAC on September 2, 2010. He said all recommendations were discussed and the requests were narrowed to the Downtown Main Street Improvement Project West (University Boulevard to railroad tracks) and Legacy Trail Extension – 24th Avenue NW (Robinson Street to Rock Creek Road) and 36th Avenue NW (Rock Creek Road to Tecumseh Road).

Mayor Rosenthal asked whether ODOT provided any feedback on why they did not select the DMSIPW in both the 4th and 5th cycles and Mr. Lombardo said the City has requested feedback, ODOT has not yet responded. He said the City will have ODOT comments by the time Staff submits a TEP application. Mr. Lombardo said part of the funding strategy has been to try to capture other federal funds to make all the improvements needed for the DMSIPW. He felt ODOT had not looked favorably on this approach because they are looking for a financial commitment to fund the project as a stand alone project. He said the City will structure the current cycle application a little differently in terms of how the project is divided and scope of work while still trying to obtain additional federal funding.

Mr. Lombardo pointed out that the City does have a history of getting more than one project approved although the City only received funding for one project after submitting two in the 4th and 5th cycles. He said the City of Oklahoma City (OKC) received approval for three projects in the last cycle and pointed out that OKC overmatched their requests, in some cases as close as fifty percent of the cost.

Mr. Lombardo said the TEP for the DMSIPW proposes new sidewalks; curb and gutter; landscaping; cobblestone paving band; street furniture; decorative lighting upgrade; stamped and colored asphalt; and American with Disabilities Act (ADA) ramps that will match the work accomplished in the DMSIP – East project.

The estimated cost for the total project using TEP and STP-UZA funding will be approximately \$1,700,000. Mr. Lombardo said the estimated cost of the TEP project is \$1,042,622 and the 20% local match must be a minimum of \$150,000. He said the City currently has \$442,622, or 46.3% of the project cost included in the capital budget. Mr. Lombardo felt ODOT would look favorably at this local match. He said the final breakdown for the DMSIPW funding scenario would be a total cost of \$1,695,622; maximum Federal TEP Funds in the amount of \$600,000; Federal STP-UZA Funds for the lighting in the amount of \$590,622; local match (CIP Fund 50) in the amount of \$442,622; and the Downtown Merchants could fund the remaining \$75,000. He said discussions have occurred with the Downtown Merchants but have not yet formalized a public/private partnership for the \$75,000 funding. Mr. Lombardo said if all funding is approved, the funding splits for the enhancement portion of the DMSIPW project are 53.7% Federal/\$46.3% Local and the lighting and signal connect portion will be 100% Federal funding from Association of Central Oklahoma Governments (ACOG) STP-UZA.

The second proposed project is the Legacy Trail Extension (LTE) along 24th Avenue NW, from Robinson Street to Rock Creek Road and 36th Avenue NW, from Rock Creek Road to Tecumseh Road. This project extends Legacy Trail to Tecumseh Road including several gaps in segments along 24th Avenue NW and 36th Avenue NW and will connect the Rock Creek Road trail being constructed with the I-35 overpass. Ten foot wide multimodal paths are being constructed on both sides of the road and the bridge, the first location in Norman where pedestrians and/or bicycles can safely cross I-35.

Mr. Lombardo said the LTE will provide multimodal access to Norman Regional Healthplex and eventually to All Saints Catholic School and Ruby Grant Park. He said along with the Rock Creek Road Trail currently under construction, the LTE will provide multimodal access between Downtown Norman and Norman Regional Hospital Healthplex.

The total project cost of the LTE is estimated to be \$750,000 with a 20% match minimum at \$150,000. Mr. Lombardo said potential funding sources for the LTE TEP are \$71,000 from the University North Park Tax Increment Finance District (UNPTIF) for work along 24th Avenue NW; \$60,000 Bike Improvement Project Balance; \$10,000 from Truman School Zone balance; and \$9,000 from the Traffic Calming Program balance.

Mr. Lombardo requested input from Council on the number of TEP applications to be submitted to ODOT and assistance with a list of project priorities as required by ODOT. Councilmember Ezzell felt the City needed to obtain ODOT feedback on the DMSIPW, specifically why the project has been rejected twice, before the TEP applications could be effectively prioritized and said he did like the enhancement on the multimodal transportation. Mr. Lombardo said the City went through the same process last time and submitted two projects, prioritizing the Highway 9 Project over the DMSIPW, which may have played into ODOT's decision. Mayor Rosenthal asked if this DMSIPW proposal had a larger match than previous applications and Mr. Lombardo said yes. Councilmember Quinn said if the City matched more than 20%, it may carry more weight with ODOT's decision and felt the downtown Main Street project needed to be completed. Mr. Lombardo said the City has requested additional information from ODOT to help shed light on why the DMSIPW has been rejected.

Mayor Rosenthal requested Staff continue to explore reasons from ODOT on previous applications and agreed with Councilmember Quinn that the project needed to be completed.

Councilmember Kovach asked if the City should have a "Plan B" in order to submit additional TEPs in case ODOT's feedback indicated the DMSIPW would again not be funded. He said he liked the idea of submitting enough projects in order to have at least two TEPs approved and suggested submitting sidewalk projects around schools. Councilmember Ezzell questioned whether sidewalk projects would be considered "enhancement" projects. Mr. Shawn O'Leary, Director of Public Works, said those projects tend to be ten foot wide bicycle trails rather than the standard five foot sidewalks at schools. Mayor Rosenthal said ODOT may not be able to give a definitive answer on the DMSIPW but any feedback will assist in prioritizing TEPs and felt it would be a mistake if the City eliminated the DMSIPW TEP application. Mr. Lombardo said the DMSIPW can be initially submitted as the number one TEP priority and after ODOT reviews the TEP applications, they can inform the City the likelihood of awarding funding for each request. He said if ODOT feels one TEP project is superior to another then perhaps the City can reprioritize TEP projects at that time.

Mayor Rosenthal said there appears to be a consensus of Council to move forward with the two TEP projects presented. She said if flexibility allows, Staff could change the TEP priority order should something come up during the pre-application process. Mr. O'Leary said Staff will do their best to gather additional input prior to Council's consideration on September 28, 2010. He said Staff will need a couple of weeks to package the TEP projects in a formal application and submit a Resolution adopting and prioritizing the TEPs for Council's consideration on September 28, 2010, in order to meet the October 1, 2010, submittal date. He said submittal of the final application will occur on January 3, 2011.

Items submitted for the record

 PowerPoint presentation entitled "City of Norman and Oklahoma Department of Transportation - Transportation Enhancement Program 11th Biennial Application Cycle," dated September 7, 2010

DISCUSSION REGARDING NORMAN RECOUPMENT ORDINANCE INCLUDING THE TECUMSEH ROAD RECOUPMENT PROJECT.

Mr. Shawn O'Leary, Director of Public Works, said prior discussion about the Tecumseh Road Project (TRP) Recoupment Ordinance was at a Council Study Session August 25, 2009. He said the key issue was whether the use of revenue sources on a project that are reimbursable to the City preclude use of a recoupment process as a source of revenue for that project. He said the question of whether the City can also have recoupment process if bond funds are used for a project was raised during the Tecumseh Road Recoupment District (TRRD) and said that is precisely the way the previous recoupment ordinance has been interpreted for the last 13 recoupment projects.

Staff previously provided three options for the TRRD at the Council Study Session and Council inquired about the possible impact each option would have on other recoupment projects. He said Council directed Staff to review the Recoupment Ordinance language and the budget impacts of the three options as proposed by Staff.

Mr. O'Leary said the Recoupment Ordinance was adopted in February 1997, revised in 2002, and addresses gaps in paving that occur when owners of adjoining property do not all develop at the same time. He said the Ordinance allows the City to "up front" the development cost and recoup the cost later and owners reimburse the City only if property is platted and developed within twenty years after the recoupment ordinance is adopted by Council. The ordinance encourages the property owners to dedicate right-of-way (ROW) that would have been dedicated in the normal development process and allows the developers to pay their fair share of adjacent street costs. Mr. O'Leary said Council allocated \$1.3 million in General Funds in 1997 to start up the Recoupment Fund and the Ordinance recognizes property owners are responsible for the initial cost of arterial streets abutting their property, including ROW, utilities, and construction. He said the ordinance allows the City to fund such improvements from the Capital Fund and to recover the out-of-pocket cost through a recoupment district. The Recoupment Ordinance requires a Resolution to declare the recoupment district and another Resolution to declare the final costs. Recoupment fees are reduced by 20% per year after the 15th year and waived if property is not platted and developed within 20 years.

Nineteen Recoupment projects have been approved since 1997, the total fees assessed have been \$3,001,408 and the City has collected \$361,635 in recoupment fees. Mr. O'Leary said 13 of the projects have final cost resolutions and six are pending final cost resolutions, with TRPs being two of the six. Mr. O'Leary noted recoupment projects are all different and have different costs in terms of ROW, utilities, and construction.

Mr. O'Leary highlighted the three options presented to Council in August 2009 as follows:

- ✓ Option 1: Cancel All Tecumseh Recoupment Districts: Pros: Addresses concerns of objecting property owners. Cons: Maximum City budget impact of \$677,720 and complexities of refund process
- ✓ Option 2: Equitable Distribution of Bond Funds to All Phases: Pros: Addresses some concerns of objecting property owners. Cons: Loss of City revenues; complexities of refund process; not provided for under Norman Recoupment Ordinance; and creates inequities in other City funding sources.
- ✓ Option 3: Adopt Final Recoupment Resolution as Proposed for Phases IIIB & IIIC: Pros: Complies with past application of Recoupment Ordinance; potential to replenish City Recoupment Fund (\$384,170); and equity with Phases I and IIIA. Cons: Does not address concerns of objecting property owners; objecting property owners may legally challenge a Recoupment Ordinance.

Councilmember Ezzell said if the City's collection rate is 12%; the actual figure for Option 1 should be \$80,000 instead of \$677,720 and Mr. O'Leary said that may be correct since the City is not collecting 100%, He said the \$677,720 figure is the "upper" end of the impact.

Mr. O'Leary felt Option 2 was not done because the TRP will have taken 22 years from its conception in 1997 to completion in 2013. He feels Council's thinking in 1997 was to spend the bond funds primarily on Phase I resulting in fewer bond funds available for the remaining TRPs. Councilmember Ezzell said this would seem to present an inherent inequity in this process. He said if property owners were lucky enough to be on the front end of the TRP they benefited by paying less recoupment because of the off-set of the bond funds, but if a property owner is on the back end of the TRP process they will not receive the same benefit. Mr. O'Leary said the City did spend some of the bond funds on ROW and engineering for the entire project and the TRP is the anomaly in the entire 19 Recoupment projects, stating it is the only recoupment project to date that has taken 22 years to complete, cost \$32 million, and was constructed in five phases.

Mr. Jeff Bryant, City Attorney, highlighted potential recoupment ordinance amendments to Council as follows:

- Clarify project improvement costs are not subject to recoupment any time bond funds or non-city funds not subject to repayment are used for any portion of a project; or
- Clarify project improvement costs funded by General Obligation (GO) bond funds and non city funds are not subject to repayment by City and can not be added to the recoupable costs total; and eliminate "utility adjustments or relocation" costs from the recoupable costs total;
- Determine whether clarifying ordinance amendments would be prospective in nature meaning they would only apply to future recoupment districts.

Mr. Bryant said Staff met with a developer concerned about applying bond funds pro-rata and added language to the proposed ordinance "proceeds from GO Bonds that are to be applied to a voter approved project shall be applied pro-rata on a linear foot basis to all property owners abutting the project when calculating recoupable project costs." He said the City anticipated a large portion of the TRP would never be a recoupable project since most of that area is in the flood plain; i.e., the west end going out towards Western and 60th Avenue N.W.; therefore the City felt it would not make sense to create a recoupment project because development would not likely be done within the twenty year timeline. Mr. Bryant said when the City applied the GO Bond funds on a lineal foot basis through the entire project it actually ended up resulting in a greater assessment to some of the property owners that had recoupment projects established. He said this points out some of the difficulties into trying to do a "one size fits all" recoupment projects through this ordinance whereas when ever there if bond funds available they must be spread out on a pro-rata basis throughout the recoupment project. He said as Mr. O'Leary mentioned earlier, not all recoupment projects are created equal, some have large tracts and perhaps not suitable for recoupment; some have a different mix of funding, i.e., County, ACOG, GO Bonds, and recoupment. He said if Council would like Staff to move forward with the proposed draft language it does try to apply the bond funds on a lineal foot basis throughout the entire project.

Mr. Bryant said another proposed amendment deletes the verbiage "utility adjustment or relocation" in Section 16-603(a). Therefore the City would not recoup those fees which are normally a development fee. He said it is sometimes difficult to encourage a property owner to donate ROW because the ROW donation would occur anyway if the property were going to be developed and then for the City to come back later and access the property owners additional utility relocation fees is tough. He said it is a delicate balance and Staff is open to whatever Council feels is appropriate.

Councilmember Kovach said he was concerned about proposed language and asked Staff if language could be crafted to exclude the University North Park Tax Increment Funds (UNPTIF), since an element of the UNP Project Plan includes recoupment funds. Mr. Bryant said the UNP Project Plan would probably fall into the category of funds for which the government would not be subject to repay the City. He said if the City opted to utilize TIF funds for a portion of a project that would normally be subject to recoupment they would be excluded and if the City opted to not utilize TIF funds they would be included. Councilmember Dillingham asked why would specific TIF language be needed and Councilmember Kovach said because the project plan calls for a lot of the projects in the TIF district to be paid for with the recoupment ordinance and if the City was going to reduce the amount coming from those properties and increase the amount that will be going on the TIF.

Councilmember Kovach said in the UNPTIF District Project Plan there is a section that discusses some of the roadway projects are anticipated to use recoupment fees to help fund the road improvements. Mr. Bryant introduced Ms. Emily Pameroy with Dan Batchelor's firm and said she was involved in drafting the UNPTIF District Project Plan. Ms. Pameroy said she was not aware of that particular provision in the UNPTIF Project Plan and said she would check over the Plan while Council continued discussion. Mr. Bryant said the City had discussed early in the process using a recoupment ordinance to do the Rock Creek Overpass but chose not to do so because the fees were waived for Embassy Hotel Conference Center, and after going through the project plan amendment process which allowed some of the TIF funds to be allocated for Rock Creek Road. Mayor Rosenthal clarified that property was not in the TIF District and Mr. Bryant said yes. Councilmember Ezzell said he was concerned about the inequities of future TRP and if the "pro-rata" language is not used, how can the City assure future participants equitable disbursements. Mr. Bryant said Council could choose to do so prospectively and it would not affect future TRP and Staff has discussed the need to use flexibility with the Public Works and Finance Departments if bond funds needed to be spent in a timely manner in order to avoid arbitrary issues. He felt the proposed language addresses that particular issue because it discusses when calculating recoupable project costs therefore he does not feel it would prohibit the City from spending bond funding in a timely manner. Councilmember Ezzell said based on the ordinance language could the City do the accounting reconciliation and spend the bond money however the City chooses and Mr. Bryant said yes, the language allows the approach of what property owners will pay will be equalized without hampering the spending timeline of the bond funds.

Councilmember Cubberley said one way to control the bond funds is to be more specific in terms the project the City is actually targeting instead of a general program that has a twenty year plus timeline. He said the TRP has gone on for years in terms of new authorizations and new federal and state monies and the City should be much more targeted in the scope of the project when using GO Bond(s).

Mr. O'Leary said the possible impact of the recommended ordinance amendments include: clarification of Recoupment Ordinance relative to use of bond funds; continued collection of recoupment fees for construction costs and ROW costs; collection of up to 40% fewer recoupment fees on most projects, by dropping "utility relocation and adjustment" costs; resolves Tecumseh Road Recoupment objections, as they relate only to "utility relocation and adjustment" costs; and if applied prospectively, potential refund costs from previous recoupment district of up to \$247,700.

Mr. O'Leary said the remaining issues of the TRP include: construct Phase II (60th Avenue N.W. [Western]), which is not anticipated to be a recoupment project; Council consideration of final recoupment Resolution, Phase IIIB (portion including Sysco); Council consideration of final recoupment Resolution, Phase IIIC (12th Avenue NW to 12th Avenue NE). Mayor Rosenthal asked Staff if the new language would apply to projects not yet finalized and Mr. Bryant said yes because the final resolution declaring costs would not come into effect until after this ordinance was amended. Mayor Rosenthal asked if some of the recoupable amounts would be affected on those projects already finalized.

Councilmember Cubberley asked about the rationale for deleting utility relocation costs and said even though it is City utilities, the City has to spend money to relocate. Mr. O'Leary said the utility relocation that occurs are typically on the federal projects and many times, the development properties have already built a portion of the utilities; unfortunately, they built them in areas where they needed to be relocated and the developers feel they are getting double taxation for the same utility costs. Another argument is that the utility relocations should be paid by the utility company. Mayor Rosenthal asked if language could be added to catch instances where a developer installs infrastructure and the City makes them relocate so the City will have a way to deal with these exceptional cases without making an exception to the rule. Mr. Bryant said he felt the utility adjustments could be a recoupable cost and the City could carve out that exception. Councilmember Cubberley felt uncomfortable changing the ordinance because of this one issue and Councilmembers agreed and Councilmember Dillingham

asked what could be done instead. Mr. Bryant said Staff can move forward with the final recoupment resolutions for Phase III B and C and remove the utility relocation from those projects that meet the criteria discussed. Councilmember Cubberley asked how many recoupment projects with the final resolution in place involve utility relocations and Mr. O'Leary said approximately ten. Councilmember Cubberley felt it would be better for the City to address that specific situation and eliminate utilities from the entire project. Mayor Rosenthal said direction to Staff will be to proceed with the ordinance amendment including the prorata clause and try to reach a settlement in this particular case, which makes a strong argument that the policy should include utility adjustments for relocation.

Items submitted for the record

- 1. Memorandum dated September 2, 2010, from Jeff Bryant, City Attorney, and Shawn O'Leary, Director of Public Works, to Honorable Mayor and Councilmembers
- 2. PowerPoint presentation entitled "Norman Recoupment Ordinance Including Tecumseh Road Project," City Council Conference dated September 7, 2010
- 3. Draft Ordinance
- 4. Pertinent excerpts from City Council Conference minutes of August 25, 2009

DISCUSSION REGARDING UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT ECONOMIC DEVELOPMENT.

Mr. Bryant said tonight's discussion involves the Norman Economic Development Coalition (NEDC) acquiring the first economic development tract in the UNPTIF. He said in 2006, the project plan identified economic development as a component of the UNPTIF, which made is eligible since the property was in a enterprise zone. He provided a history of the progress of the economic development component. He said the final plat for the UNPTIF Corporate Center was approved by Council in 2008 and Development Agreement No. 4 authorized the use of the tax increments to fund economic development and referenced three components of the project plan, which were the 10% retail sales tax increment, the ad valorem tax from the economic development tract, and the economic development sales tax increment.

Mr. Bryant said economic development costs of the UNPTIF are intended to foster special employment opportunities for Norman including the cost of planning, financing, assistance in development financing, acquiring, constructing, and developing facilities to foster such opportunities. He said the project plan sets out \$8.25 million, 50% of ad valorem taxes for economic development tract were set aside, 10% UNPTIF sales tax apportioned for economic development, currently \$926,182, and economic development sales tax increment references the sales tax tied to the new Quality Jobs Payrolls.

Mr. Bryant said a revised final plat in June 2010, changed the economic development tract from 28 acres to 30 acres. He said the OU Foundation and NEDC have been modifying the purchase and sale agreement to facilitate bank financing and property closing was extended to September 30, 2010. He said part of the agreement was to allow the economic development revenue stream to serve as credit enhancement for the purchase of the property by NEDC from the OU Foundation. He said the loan would be between Republic Bank and NEDC and the City would simply provide the credit enhancement that would allow the loan to be bankable. Mr. Bryant said Republic Bank was asked by NEDC to help put the loan together, but Republic Bank will not be the only bank involved. He said the pledge of accumulated revenues could be used or debt financing and Council preferred the accumulated revenues.

Mr. Bryant said there had been discussion regarding the type of Public Trust that could be used, a broader Public Trust or the existing Norman Tax Increment Finance Authority (NTIFA). He said the first debt financing was authorized in 2009 in the amount of \$14.56 million. He said the Trust could make the pledge or issue debt for the UNPTIF economic development activities without having to form a new Trust. Mr. Bryant said the purchase and sale agreement is between NEDC and OU Foundation to purchase 30 acres for \$1.25 per square foot for a total of \$1,633,500.

Mr. Bryant said the Economic Development Agreement will be reviewed by Council on September 14, 2010, which is a broader agreement that provides a structure on how to move forward on economic development identifying authorization of UNPTIF funds and a secured revenue stream similar to a draw note with the NTIFA approving each draw.

Mr. Bryant said Council will review a resolution concurring NEDC financing, which gives Council and NTIFA the authority to pledge those funds to credit enhance the loan. He said the money could be used for interest payments, if needed, or used to pay at the end of three years; however, it is hoped that not UNPTIF funds will be used for this note except as credit enhancement. He said, if within three years, NEDC is not able to pay off the note, Council will need to decide if UNPTIF funds are used to pay off note.

Mr. Bryant said Staff, with Council's support, plans to move forward with the Economic Development Agreement and resolutions at the September 14, 2010, Council meeting. He said the advantage of moving forward is that it puts the City, the NTIFA, and NEDC in position to move fairly quickly if there is a potential employer that meets the criteria of the Quality Jobs Act, which is the case.

Councilmember Ezzell said "credit enhancement" is used multiple times and asked if Council gives that credit guarantee, are those revenues encumbered or pledged so they are separated out and cannot be used for other items. Mr. Bryant said yes, under a fund control agreement, but the NTIFA could go through a debt financing that would pledge that revenue stream, but that is not as practical.

Councilmember Dillingham asked if Council did not authorize the debt financing on September 14th, would that risk losing the potential employer and Mr. Bryant said he did not know. Councilmember Cubberley asked if the resolution were passed, but the new employment opportunity did not come about, what happens? Mr. Bryant said the financing will be similar to a draw note so the authorization would be in place, but there could not be any draws without a specific project for Council to approve. Mr. Nate Ellis, Bond Counselor, suggested defining the appropriate parameters that NTIFA might have such as the upper end of the interest rate, appropriate time frame for the holding pattern, etc. He said once Council has approved the authorization for the debt, then any duly designated officers can execute the appropriate financing with the approval of a specific project. He said another parameter would be the time frame for the bonds such as not-to-exceed 5 years, 15 years, 25 years, etc.

Councilmember Ezzell felt it is prudent to be prepared to act. Councilmember Quinn felt it is also showed good faith on the part of the Council to give NEDC more leverage to do what needs to be done. Councilmember Cubberley felt there should be a time limit due to Council turnover and it would be incumbent on a new Council to reauthorize the debt. Councilmember Dillingham agreed and said a cap on the interest rate is also paramount.

Mayor Rosenthal said it is important, for public understanding, that although the resolutions would authorize indebtedness, the only approved specific use that is contemplated is the potential project coming forward and any following projects would have to have specific terms as well be authorized by Council and Mr. Bryant said that is correct.

Councilmember Kovach said Quality Jobs definition references the State Statue limit, and asked if the City was going to redefine that or stay with the State's definition. Mr. Bryant said that would be up to Council, but when discussed previously, the Statute has a limit of \$40,000 and Council has talked about \$50,000. Councilmember Kovach asked if this had been discussed by the UNPTIF Oversight Committee and Mr. Bryant said the Committee had talked structurally about it and they were in favor, but had not discussed specifics. Mayor Rosenthal suggested scheduling a special meeting of the UNPTIF Oversight Committee for their review and recommendations.

Councilmember Kovach said he attended an NEDC briefing a year ago, and it was his understanding that NEDC would come up with two prospective clients and get financing based on that. He said a year later NEDC is still not finalized on even one prospect thought to be a sure deal and he is concerned about the quantifiable risk and if banks are not willing to finance without a guarantee of money, then what are they looking at that Council is not looking at as far as potential risk. Councilmember Ezzell said he felt this is an appropriate risk because banks are going to want to over collateralize everything, which does not make it a imprudent risk. Councilmember Kovach said the economic development fund sales tax increment comes from the City's General Fund so that is a substantial risk when Council is looking at furloughs and lay offs. Mr. Bryant said the Economic Development Sales Tax Increment from the quality jobs only happens if the jobs materialize. He said the idea is that 30% of those salaries will be spent on transactions that are sales taxable transactions, which generates sales tax money. He said there is also a 2.5% turnover factor and 35% limiting factor for effective benefit rate that benefits the General Fund so it is really not a drain, but an addition. Mr. Anthony Francisco, Finance Director, said the Economic Development Sales Tax Increment is separate from the Economic Development Projects costs and is another incentive that Council could authorize based upon the new employer providing new quality jobs.

Mr. Don Wood, NEDC Executive Director, said, for two years, an existing company has indicated they are interested in purchasing property for development. He said NEDC would like to have two companies interested in purchasing land, which would generate about half of the principal needed. He said NEDC is trying to get the land purchased to demonstrate a strong commitment to the customer that NEDC is in the position so act now. He said any issuance of debt has to have Council's approval. He said could have a letter of intent from the company to present to Council by September 21st.

Items submitted for the record

- 1. PowerPoint presentation entitled "University North Park TIF Economic Development," Study Session, dated September 7, 2010
- 2. Letter dated July 12, 2010, from Chuck R. Thompson, President, Chief Executive Officer, Republic Bank and Trust, to Norman Economic Development Coalition, Inc.
- 3. Executive Summary of the Proposed University North Economic Development Agreement
- 4. Amended and Restated Purchase and Sales Agreement (Economic Development Tract)
- 5. University North Park Economic Development Agreement
- 6. E-mail dated September 7, 2010, from Anthony Francisco to Councilmembers with attached Executive Summary of Norman University North Park Project Plan and Economic Analysis

The meeting adjourned at 7:45 p.m.		
ATTEST:		
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City Clerk	Mayor	

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES September 10, 2010

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 10th day of September, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and Chairman

Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal

Councilmember Carol Dillingham

Ms. Karla Chapman, Administrative Technician Ms. Susan Connors, Planning and Community

Development Director

Mr. Patrick Copeland, Development Services Manager

Mr. Ken Danner, Development Manager Mr. Shawn O'Leary, Director of Public Works Ms. Kathryn Walker, Assistant City Attorney Mr. Tom Knotts, Planning Commission Liaison Ms. Wanda Frost, Norman Builders Association

Mr. Harold Heiple, Attorney for Norman Developers Council

Ms. Jane Ingels, Greenbelt Commissioner Ms. Lyntha Wesner, Greenbelt Commissioner

Ms. Mary Francis, Sierra Club

CONTINUED DISCUSSION REGARDING THE PROPOSED GREENBELT ORDINANCE AND RESOLUTION SUPPORTING THE DEVELOPMENT OF A GREENBELT SYSTEM AND THE REVIEW OF CERTAIN DEVELOPMENTS BY THE GREENBELT COMMISSION.

The Planning and Community Development Committee (PCDC) considered proposed amendments to the Greenbelt Ordinance developed by the Greenbelt Commission (GC) during several meetings over the last few months, most recently in July 2010. Ms. Kathryn Walker, Assistant City Attorney, said Staff presented the proposed Greenbelt Ordinance to Council during a Study Session on August 17, 2010, and was instructed to bring additional language addressing the Greenbelt Enhancement Statement (GES) review process back to the PCDC for discussion and review. Ms. Walker provided three options and the procedures to the Committee as follows:

Option 1: Ms. Walker said the language proposed during the recent Council Study Session provided for an administrative bypass procedure similar to that employed by the Historic District Commission. She said this procedure would allow for Staff to review development applications prior to any review by the GC to determine whether any opportunity for greenbelt development existed and if a finding of No Greenbelt Opportunity was made by Staff, then such information would be provided to the GC in the form of a report at the next GC meeting. She said the application would go on to the Planning Commission (PC) and ultimately, to Council for review without input from the GC.

Option 2: Ms. Walker said the GC expressed concern with the original proposed language, Option 1, the process would eliminate their input on developments for which they may disagree with Staff as to whether opportunities for greenbelt development exist. She said Staff was instructed to develop language that would give the GC the opportunity to review Staff's decision and ultimately the development application if the GC disagreed with Staff's finding of No Greenbelt Opportunity. Option 2 is responsive to this request and would still provide for a potential administrative bypass, but Staff's finding of No Greenbelt Opportunity would be presented to the GC in a consent docket format. She said if a Greenbelt Commissioner believed Staff's decision to be in error, he or she could remove the item from the Consent Docket and it would be reviewed by the GC as any other development before the GC would be reviewed.

Planning & Community Development Committee Minutes September 10, 2010 Page 2

Option 3: Ms. Walker said the development community has also expressed concern about the review process because it would require review of developments with opportunities for greenbelt development by the GC two times. The first review will be upon application for a Pre-Development and the second review will be upon application for the PC to review. Ms. Walker said Option 3 provides for the same process regarding Findings of No Greenbelt Opportunity as in Option 2, but alters the review process to provide for only one review of applications that do not substantially change between the GC's initial review and application for PC consideration.

The Committee discussed and felt Option 3 would be best since it allowed the GC to review Staff decisions regarding "Findings of No Greenbelt Opportunity" and it also allowed the developer(s) to attend only one GC meeting if their application does not substantially change between applications for Pre-Development meeting and PC review. The Committee discussed the timing of the review process and language changes were suggested as follows:

- <u>Section 4-2025</u>: change "decisions" to "recommendations" to reflect the following, "... recommendations by the GC...," in recognition that they are an advisory board
- Section 4-2027(a): Submission: should be clarified regarding when GES is to be submitted
- Section 4-2027(c)(2)(a): delete "at the next Commission meeting"
- <u>Section 4-2027(c)(2)(b):</u> change the verbiage "after" to "when" to reflect the following, "...all other applications for which a GES is completed shall be considered by the GC for an initial review **when**..."

Ms. Walker said Council also requested Staff to remove the "whereas" clauses drafted by the GC from the ordinance and instead place them in a resolution. She distributed copies of the proposed resolution as well as proposed Ordinance No. O-1011-6 amending Chapter 4. Mr. Harold Heiple, Attorney for Norman Developers Council, objected to Sections 4 through 9 of the proposed resolution, but Councilmember Dillingham felt there was language to recognize the ordinance may not be applicable to all developments or all green spaces. However, Staff was directed to add "generally" to Section 5 and "often" to Section 9.

Councilmember Butler requested Staff make the changes discussed today and submit the ordinance for First Reading on the September 28th Council agenda.

Items submitted for record

- 1. Memorandum dated August 30, 2010, from Ms. Kathryn L. Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Planning and Community Development Committee Members
- 2. Greenbelt Commission Review Options dated August 30, 2010
- 3. Proposed Resolution Supporting the Development of a Greenbelt System and the Review of Certain Developments by the Greenbelt Commission
- 4. Proposed Greenbelt Ordinance O-1011-6

MISCELLANEOUS DISCUSSION

Ms. Susan Connors, Planning and Community Development Director, informed the Committee the lighting issue has been discussed at the Planning Commission (PC) meeting the previous evening, September 9, 2010. She said the main concern was not with new construction lighting issues, but with lighting issues on additions and/or remodel construction. She said the PC did not make as much progress as they hoped on this topic and will resume discussions at the next scheduled PC study session on September 23, 2010.

The meeting adjourned at 8:31 a.m.					
Attest: City Clerk	Mayor				

COUNCIL CONFERENCE MINUTES

September 14, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 6:00 p.m. in the Municipal Building Conference Room on the 14th day of September, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT:

None

DISCUSSION REGARDING ORDINANCE NO. O-1011-10 AMENDING ARTICLE XXVII, SECTIONS 13-2705 AND 13-2712 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE SUPPORTING DOCUMENTS REQUIRED AND ADDING A PROVISION REGARDING SAFETY REQUIREMENTS OF BANNERS FOR SPECIAL EVENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ms. Leah Messner, Assistant City Attorney, provided background information on the limited license process which allows for signs in the City's rights-of-way, typically at intersections, with Council approval. She said historically, Council has not permitted banners across City right-of-way due to safety concerns. A special event sponsor has made a request to place a banner across Asp Avenue on University of Oklahoma game days.

The City Council Oversight Committee met on September 1, 2010, to review the request and discuss options for permitting banners over and across City right-of-way. The Oversight Committee recommended amending the Special Event Ordinance to allow for banners during a special event when the street was closed while taking safety precautions. Ms. Messner said the proposed ordinance amendment is scheduled for First Reading during Council's regular session on September 14, 2010.

Ms Messner said the proposed amendment would require event sponsors to show the location of the banner(s) on the map of the event area. The banners would only be allowed while the street is closed and only for the duration of the special event. Additional conditions limit the banners to two lane streets; require the applicant obtain a permit for the banner through the Public Works and Planning Departments to ensure adequate wind load and proper installation; limit the sponsor to no more than two banners per event; and require a permit fee of \$50 per banner.

Councilmember Cubberley asked what the banner(s) would be connected to and expressed concern with event sponsors trying to connect to street light poles. City Clerk Brenda Hall said in this particular case, the banner is being anchored to two buildings with a sophisticated pulley system; however, under each situation, the Public Works Department is requiring the applicant submit plans sealed by a structural engineer that the anchor source can support the wind load capacity. She said the Public Works Department shares your concerns with the street light poles, which would not fit the criteria for support. Council also expressed concern about the integrity of the cable and Ms. Hall said each request will require a separate permit, which will trigger an inspection of the banner, at which time the cable could also be inspected. Councilmembers concurred with this process.

Mayor Rosenthal reminded Council the ordinance is included in tonight's regular meeting for First Reading with the public hearing occurring at Second Reading on Council's September 28th agenda.

City Council Conference Minutes September 14, 2010 Page 2

Items submitted for the record

- 1. Text File dated September 7, 2010, introduced by Leah Messner, Assistant City Attorney
- 2. Draft Ordinance No. O-1011-10
- 3. Pertinent excerpts from City Council Oversight Committee minutes of September 1, 2010
- 4. PowerPoint presentation entitled, "Regulation of Banners at Special Events" dated September 14, 2010

The meeting adjourned at 6:15 p.m.	
ATTEST:	
City Clerk	Mayor

CITY COUNCIL MINUTES NORMAN UTILITIES AUTHORITY MINUTES NORMAN MUNICIPAL AUTHORITY MINUTES NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

September 14, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 14th day of September, 2010, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers	Atkins,	Butler,
	Cubberley, Dillingh	nam, Ezzell,	Griffith,
	Kovach, Quinn, Ma	yor Rosenth	al

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

<u>RESOLUTION NO. R-1011-42</u>: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, HONORING THE 2010 RECIPIENT OF THE CITIZENS HONOR ROLL OF SERVICE.

Councilmember Quinn moved that Resolution No. R-1011-42 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Resolution No. R-1011-42

Participants in discussion

1. Mr. Jim Gasaway accepted the resolution and thanked the Council

and the question being upon adopting Resolution No. R-1011-42, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-42 was adopted.

* * * * *

Item 4, being:

CONSENT DOCKET

Councilmember Ezzell moved that Item 6 through Item 41 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Atkins; and the question being upon the placement on the consent docket by unanimous vote of Item 6 through Item 41, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Item 6 through Item 41 were placed on the consent docket by unanimous vote.

Item 5, being:

APPROVAL OF THE CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT MINUTES OF AUGUST 13, 2010; CITY COUNCIL STUDY SESSION MINUTES OF AUGUST 17, 2010; CITY COUNCIL FINANCE COMMITTEE MINUTES OF AUGUST 18, 2010; PUBLIC MEETING MINUTES OF AUGUST 19, 2010; CITY COUNCIL CONFERENCE MINUTES OF AUGUST 24, 2010; CITY COUNCIL MINUTES OF AUGUST 24, 2010; NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 24, 2010; NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 24, 2010; AND CITY COUNCIL SPECIAL SESSION MINUTES OF AUGUST 31, 2010.

Item 5 was withdrawn at the request of Staff.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. ZO-1011-3 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY EASEMENT LOCATED ALONG THE WEST BOUNDARY OF LOT 4, BLOCK 3, CARRINGTON PLACE ADDITION, SECTION 8, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA. (4537 BELLINGHAM LANE)

Councilmember Cubberley moved that Ordinance No. ZO-1011-3 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. ZO-1011-3 dated July 13, 2010, by Doug Koscinski
- 2. Ordinance No. ZO-1011-3
- 3. Location map
- 4. Staff Report dated August 12, 2010, recommending approval
- Letter of request dated June 14, 2010, from R. Lindsay Bailey, Bailey Law Offices, to Brenda Hall, City Clerk
- Petition to Partially Vacate Easement dated June 14, 2010, from Richard McKown, Manager, Carrington Place, L.L.C.
- 7. Legal descriptions and location maps
- 8. Letter dated August 3, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
- 9. Pertinent excerpts from Planning Commission minutes of August 26, 2010

and the question being upon the Introduction and adoption of Ordinance No. ZO-1011-3 upon First Reading by title, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith,

Cubberley, Dillingham, Ezzell, Grif Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. ZO-1011-3 was Introduced, read, and adopted upon First Reading by title.

* * * *

Item 7, being:

CONSIDERATION OF ORDINANCE NO. 0-1011-10 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXVII, SECTIONS 13-2705 AND 13-2712 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE SUPPORTING DOCUMENTS REQUIRED AND ADDING A PROVISION REGARDING SAFETY REQUIREMENTS OF BANNERS FOR SPECIAL EVENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Cubberley moved that Ordinance No. O-1011-10 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. O-1011-10 dated September 7, 2010, by Leah Messner.
- 2. Ordinance No. O-1011-10
- 3. Legislatively notated copy of Ordinance No. O-1011-10
- Pertinent excerpts from City Council Oversight Committee minutes of September 1, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-10 upon First Reading by title, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Ordinance No. O-1011-10 was Introduced, read, and adopted upon First Reading by title.

* * * *

Item 8, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF DALE WARES AND JOLENE RING TO THE CHILDREN'S RIGHTS COORDINATING COMMISSION; MARY FRANCIS AND DORINDA HARVEY TO THE ENFORCEMENT AUTHORITY; DAVE BOECK TO THE ENVIRONMENTAL CONTROL ADVISORY BOARD; ZEV TRACHTENBERG AND ROBERTA PAILES TO THE PLANNING COMMISSION; JONATHAN FOWLER TO THE PUBLIC ARTS BOARD; AND PEGGY ELLIS TO THE SOCIAL AND VOLUNTARY SERVICES COMMISSION.

Councilmember Cubberley moved that the appointments be confirmed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. AP-1011-11 dated September 2, 2010

and the question being upon confirming the appointments, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the appointments were confirmed.

Item 9, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENT AND ADOPTION OF RESOLUTION NO. R-1011-37 APPOINTING ROGER FRECH TO THE CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT.

Councilmember Cubberley moved that the appointment be confirmed, Resolution No. R-1011-37 be adopted, and the submission thereof be directed to the Cleveland County District Court, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1011-37 dated September 3, 2010
- 2. Resolution No. R-1011-37

and the question being upon confirming the appointment and upon the subsequent adoption and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the appointment confirmed; Resolution No. R-1011-37 was adopted and the submission thereof was directed to the Cleveland County District Court.

* * * *

Item 10, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENT AND ADOPTION OF RESOLUTION NO. R-1011-38 APPOINTING BAXTER VIEUX TO THE CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT.

Councilmember Cubberley moved that the appointment be confirmed, Resolution No. R-1011-38 be adopted, and the submission thereof be directed to the Cleveland County District Court, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1011-38 dated September 8, 2010
- 2. Resolution No. R-1011-38

and the question being upon confirming the appointment and upon the subsequent adoption and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the appointment confirmed; Resolution No. R-1011-38 was adopted and the submission thereof was directed to the Cleveland County District Court.

Item 11, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-14 FOR THREE (3) TRAFFIC SIGNAL CONTROLLER & CABINET ASSEMBLIES FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Cubberley moved that the bid as meeting specifications be accepted and the bid in the amount of \$15,032.33 each for a total bid price of \$45,127 be awarded to Mid-American Signal, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-14 dated August 31, 2010, by Angelo Lombardo
- 2. Bid Record dated August 15, 2010, for three (3) controller and cabinet assemblies

and the question being upon accepting the bid as meeting specifications and upon'the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the bid as meeting specifications accepted; and the bid in the amount of \$15,032.33 each for a total bid price of \$45,127 was awarded to Mid-American Signal, Inc., as the lowest and best bidder meeting specifications.

* * * *

Item 12, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-16 FOR THE PURCHASE OF A FIRE TRUCK FOR THE FIRE DEPARTMENT.

Councilmember Cubberley moved that all bids meeting specifications be accepted and the bid in the amount of \$402,984 be awarded to Pierce Manufacturing as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-16 dated August 25, 2010, by James Fullingim
- 2. Fire Engine Bid Comparisons dated August 12, 2010

Participants in discussion

- 1. Mr. James Fullingim, Fire Chief
- 2. Mr. Mike White, Fleet Superintendent

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$402,984 was awarded to Pierce Manufacturing as the lowest and best bidder meeting specifications.

Item 13, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-19 FOR TRAFFIC SIGN FACES FOR THE TRAFFIC CONTROL DIVISION.

Page 6

Councilmember Cubberley moved that all bids meeting specifications on Section 1 be accepted and the bid in the amount of \$1.32 per square foot be awarded to Hall Signs, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-19 dated August 31, 2010, by Angelo Lombardo
- Bid tabulation for traffic sign faces

and the question being upon accepting all bids meeting specifications on Section 1 and upon the subsequent awarding of the bid, a vote was taken with the following result:

Councilmembers YEAS: Atkins, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 1 accepted; and the bid in the amount of \$1.32 per square foot was awarded to Hall Signs, Inc., as the lowest and best bidder meeting specifications.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Sections 2, 3, 4, 5, and 6 be accepted and the bid be awarded to Vulcan Signs as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- Text File No. BID-1011-19 dated August 31, 2010, by Angelo Lombardo 1.
- Bid tabulation for traffic sign faces

and the question being upon accepting all bids meeting specifications on Sections 2, 3, 4, 5, and 6 and upon the subsequent awarding of the bid, a vote was taken with the following result:

Councilmembers Atkins, Butler, YEAS: Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

None NAYES:

The Mayor declared the motion carried and all bids meeting specifications on Sections 2, 3, 4, 5, and 6 accepted; and the bid was awarded to Vulcan Signs as the lowest and best bidder meeting specifications.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Sections 7, 8, 9, and 10 be accepted and the bid be awarded to Custom Products Corporation as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- Text File No. BID-1011-19 dated August 31, 2010, by Angelo Lombardo
- Bid tabulation for traffic sign faces

and the question being upon accepting all bids meeting specifications on Sections 7, 8, 9, and 10 and upon the subsequent awarding of the bid, a vote was taken with the following result:

Councilmembers Atkins, YEAS: Butler, Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Sections 7, 8, 9, and 10 accepted; and the bid was awarded to Custom Products Corporation as the lowest and best bidder meeting specifications.

Item 14, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-20 FOR GALVANIZED STEEL SIGN POSTS FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Cubberley moved that all bids meeting specifications on Sections 1 and 4 be accepted and the bid be awarded to Custom Products Corporation as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-20 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for galvanized steel sign posts

and the question being upon accepting all bids meeting specifications on Sections 1 and 4 and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications on Sections 1 and 4 accepted; and the bid was awarded to Custom Products Corporation as the lowest and best bidder meeting specifications.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Sections 2 and 3 be accepted and the bid be awarded to Centerline Supply, LTD., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-20 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for galvanized steel sign posts

and the question being upon accepting all bids meeting specifications on Sections 2 and 3 and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications on Sections 2 and 3 accepted; and the bid was awarded to Centerline Supply, LTD., as the lowest and best bidder meeting specifications.

Item 15, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-21 FOR TRAFFIC PAINT GLASS BEADS FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Cubberley moved that all bids meeting specifications be accepted and the bid in the amount of \$0.347 per pound be awarded to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-21 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for traffic paint glass beads

Item 15, continued:

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$0.347 per pound was awarded to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications.

Item 16, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-22 FOR FLUORESCENT TRAFFIC CONES FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Cubberley moved that all bids meeting specifications be accepted and the bid in the amount of \$8.00 per cone be awarded to Barco Municipal Products, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-22 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for fluorescent traffic cones

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$8.00 per cone was awarded to Barco Municipal Products, Inc., as the lowest and best bidder meeting specifications.

Item 17, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-23 FOR TRAFFIC SIGNS AND ACCESSORIES FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Cubberley moved that all bids meeting specifications on Sections 1 and 2 be accepted and the bid be awarded to Vulcan Signs as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-23 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for traffic signs and accessories

and the question being upon accepting all bids meeting specifications on Sections 1 and 2 and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Sections 1 and 2 accepted; and the bid was awarded to Vulcan Signs as the lowest and best bidder meeting specifications.

Item 17, continued:

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Sections 3A, 3C, and 3D be accepted and the bid be awarded to Hall Signs, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-23 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for traffic signs and accessories

and the question being upon accepting all bids meeting specifications on Sections 3A, 3C, and 3D and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications on Sections 3A, 3C, and 3D accepted; and the bid was awarded to Hall Signs, Inc., as the lowest and best bidder meeting specifications.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 3B be accepted and the bid in the amount of \$19.30 each be awarded to Centerline Supply, LTD., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-23 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for traffic signs and accessories

and the question being upon accepting all bids meeting specifications on Section 3B and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications on Section 3B accepted; and the bid in the amount of \$19.30 each was awarded to Centerline Supply, LTD., as the lowest and best bidder meeting specifications.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 3E be accepted and the bid be awarded to Hall Signs, Inc., and Custom Products Corporation as the lowest and best bidders meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-23 dated August 31, 2010, by Angelo Lombardo
- 2. Bid tabulation for traffic signs and accessories

and the question being upon accepting all bids meeting specifications on Section 3E and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications on Section 3E accepted; and the bid was awarded to Hall Signs, Inc., and Custom Products Corporation as the lowest and best bidders meeting specifications.

Butler,

Item 17, continued:

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 3F be accepted and the bid in the amount of \$1.53 each be awarded to Custom Products Corporation as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. BID-1011-23 dated August 31, 2010, by Angelo Lombardo
- Bid tabulation for traffic signs and accessories

and the question being upon accepting all bids meeting specifications on Section 3F and upon the subsequent awarding of the bid, a vote was taken with the following result:

Councilmembers YEAS: Atkins,

Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 3F accepted; and the bid in the amount of \$1.53 each was awarded to Custom Products Corporation as the lowest and best bidder meeting specifications.

Item 18, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF A DEWATERED SLUDGE STORAGE BASIN ROOF IN THE AMOUNT OF \$31,800 FROM NUNEZ BROTHERS FOR THE WASTEWATER TREATMENT PLANT.

Acting as the Norman Utilities Authority, Trustee Cubberley moved that authorization for the purchase of a dewatered sludge storage basin roof from Nunez Brothers in the amount of \$31,800 be approved, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

- Text File No. TMP-81 dated August 13, 2010, by Ralph Arnett
- Verbal or Written Quote Form dated July 27, 2010

and the question being upon approving authorization for the purchase of a dewatered sludge storage basin roof from Nunez Brothers in the amount of \$31,800, a vote was taken with the following result:

Trustees Atkins, Butler, Cubberley, YEAS:

Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and authorization for the purchase of a dewatered sludge storage basin roof from Nunez Brothers in the amount of \$31,800 was approved.

Item 19, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF NAVILINE ENHANCED USER INTERFACE SOFTWARE FROM SUNGARD PUBLIC SECTOR IN THE AMOUNT OF \$83,626.70 FOR THE FINANCE DEPARTMENT.

Councilmember Cubberley moved that authorization for the purchase of NaviLine Enhanced User Interface Software in the amount of \$83,626.70 be approved, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. TMP-83 dated August 29, 2010, by Gary Lowe
- Investment Summary dated January 16, 2010, updated August 6, 2010, from Sungard Public Sector, NaviLine, in the amount of \$83,626.70
- 3. Purchase Requisition No. 0000175698 dated August 29, 2010, in the amount of \$83,626.70 to Sungard Public Sector, Inc.

and the question being upon approving authorization for the purchase of NaviLine Enhanced User Interface Software in the amount of \$83,626.70, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and authorization for the purchase of NaviLine Enhanced User Interface Software in the amount of \$83,626.70 was approved.

* * * * *

Item 20, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF ONE (1) BOMB SUIT AND ONE (1) BOMB SUIT HELMET VALUED AT \$18,994.51 FROM THE OKLAHOMA OFFICE OF HOMELAND SECURITY TO BE USED BY THE POLICE DEPARTMENT HAZARDOUS DEVICES UNIT.

Councilmember Cubberley moved that a donation of one (1) bomb suit and one (1) bomb helmet valued at \$18,994.51 from the Oklahoma Office of Homeland Security to be used by the Police Department Hazardous Devices Unit be accepted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. TMP-93 dated September 2, 2010, by Jim Spearman

and the question being upon accepting a donation of one (1) bomb suit and one (1) bomb helmet valued at \$18,994.51 from the Oklahoma Office of Homeland Security to be used by the Police Department Hazardous Devices Unit, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and a donation of one (1) bomb suit and one (1) bomb helmet valued at \$18,994.51 from the Oklahoma Office of Homeland Security to be used by the Police Department Hazardous Devices Unit was accepted.

Item 21, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF TWO (2) MOUNTAIN BIKES VALUED AT \$1,400 FROM THE NORMAN TARGET STORE TO BE USED BY THE NORMAN POLICE DEPARTMENT.

Councilmember Cubberley moved that a donation of two (2) mountain bikes valued at \$1,400 from the Norman Target Store to be used by the Norman Police Department be accepted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. TMP-92 dated September 1, 2010, by Major Kent Ritchie

and the question being upon accepting a donation of two (2) mountain bikes valued at \$1,400 from the Norman Target Store to be used by the Norman Police Department, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and a donation of two (2) mountain bikes valued at \$1,400 from the Norman Target Store to be used by the Norman Police Department was accepted.

* * * *

Item 22, being:

<u>PERMANENT EASEMENT NO. E-1011-16</u>: CONSIDERATION OF ACCEPTANCE OF A PERMANENT DRAINAGE EASEMENT DONATED BY NORMAN PROPERTY DEVELOPMENT, L.L.C., IN CONNECTION WITH THE 2010 DRAINAGE PROJECTS.

Councilmember Cubberley moved that Permanent Easement No. E-1011-16 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. E-1011-16 dated September 1, 2010, by Bob Hanger
- 2. Location map
- 3. Permanent Easement No. E-1011-16 with Exhibit A, location map

and the question being upon accepting Permanent Easement No. E-1011-16 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Permanent Easement No. E-1011-16 accepted; and the filing thereof with the Cleveland County Clerk was directed.

Item 23, being:

TEMPORARY EASEMENT NO. E-1011-19: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN PROPERTY DEVELOPMENT, L.L.C., IN CONNECTION WITH THE FYE 2010 DRAINAGE PROJECT.

Councilmember Cubberley moved that Temporary Easement No. E-1011-19 be accepted and the filing thereof with the City Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. E-1011-19 dated September 1, 2010, by Bob Hanger
- 2. Location map
- 3. Temporary Easement No. E-1011-19 with location map

and the question being upon accepting Temporary Easement No. E-1011-19 and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Temporary Easement No. E-1011-19 accepted; and the filing thereof with the City Clerk was directed.

* * * *

Item 24, being:

CONSIDERATION OF A FINAL PLAT FOR MURDOCK VILLAGE ADDITION, A REPLAT OF A PORTION OF LOT 1 AND LOT 1A, BLOCK 3, NORMANDY ACRES FIRST ADDITION, GENERALLY LOCATED SOUTH AND WEST OF THE CORNER OF WEST MAIN STREET AND 24TH AVENUE S.W.

Councilmember Cubberley moved that the final plat for Murdock Village Addition, a replat of a portion of Lot 1 and Lot 1A, Block 3, Norman Acres First Addition, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. FP-1011-2 dated July 13, 2010, by Ken Danner
- 2. Item description
- 3. Location map
- 4. Staff Report dated August 12, 2010, recommending approval
- 5. Final plat
- 6. Site plan
- 7. Preliminary plat
- 8. Pertinent excerpts from Planning Commission minutes of August 26, 2010

and the question being upon approving the final plat for Murdock Village Addition, a replat of a portion of Lot 1 and Lot 1A, Block 3, Norman Acres First Addition, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the final plat for Murdock Village Addition, a replat of a portion of Lot 1 and Lot 1A, Block 3, Norman Acres First Addition, were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final plat was directed.

* * 5-73

Item 25, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$37,665.81 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010.

Councilmember Cubberley moved that reimbursement of funds in the amount of \$37,665.81 from FEMA for tornado related damage during May 2010 be accepted and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) be increased by \$37,665.81, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. OK-DR-1917 dated August 17, 2010, by James Fullingim

and the question being upon accepting reimbursement of funds in the amount of \$37,665.81 from FEMA for tornado related damage during May 2010 and upon the subsequent increase, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and reimbursement of funds in the amount of \$37,665.81 from FEMA for tornado related damage during May 2010 accepted; and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) was increased by \$37,665.81.

* * * *

Item 26, being:

SPECIAL CLAIM NO. SC-1011-4: A CLAIM SUBMITTED BY LEON WASHINGTON IN THE REDUCED AMOUNT OF \$3,000 FOR DAMAGES TO HIS VEHICLE AND MEDICAL EXPENSES DUE TO AN ACCIDENT WITH A POLICE VEHICLE.

Councilmember Cubberley moved that Special Claim No. SC-1011-4 be approved and payment in the reduced amount of \$3,000 be directed contingent upon obtaining a Release and Covenant Not to Sue from Leon Washington, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. SC-1011-4 dated September 1, 2010, by Jeanne Snider
- 2. Special Claim No. SC-1011-4 dated March 2, 2010, submitted by Leon Washington, Jr., in the amount of \$22,500
- Letter dated March 26, 2010, from James J. Taylor, Taylor, Lucas, Locke, and Corbin, Attorneys at Law, to Brenda Hall, City Clerk
- Memorandum dated March 29, 2010, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney, and Phil Cotten, Police Chief

Participants in discussion

- 1. Mr. Phil Cotten, Police Chief
- 2. Mr. Mike White, Fleet Superintendent

and the question being upon approving Special Claim No. SC-1011-4 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Special Claim No. SC-1011-4 approved; and payment in the reduced amount of \$3,000 was directed contingent upon obtaining a Release and Covenant Not to Sue from Leon Washington.

Item 27, being:

CONTRACT NO. K-1011-54: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SOONER THEATRE, INC., IN THE AMOUNT OF \$65,274 FOR THE OPERATION OF SOONER THEATRE LOCATED AT 101 EAST MAIN STREET.

Councilmember Cubberley moved that Contract No. K-1011-54 with Sooner Theatre, Inc., in the amount of \$65,274 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-54 dated August 31, 2010, by Leah Messner
- 2. Contract No. K-1011-54

Participants in discussion

- 1. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions
- 2. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Contract No. K-1011-54 with Sooner Theatre, Inc., in the amount of \$65,274 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-54 with Sooner Theatre, Inc., in the amount of \$65,274 approved; and the execution thereof was authorized.

* * * *

Item 28, being:

CONTRACT NO. K-1011-58: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CARRINGTON PLACE PROPERTY OWNERS ASSOCIATION TO PERMIT THE ASSOCIATION TO INSTALL LANDSCAPING ON TWO TRAFFIC CIRCLES ON CARRINGTON LANE AT ITS INTERSECTIONS WITH WARRINGTON WAY AND WHITMERE COURT.

Councilmember Cubberley moved that Contract No. K-1011-58 with Carrington Place Property Owners Association be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-58 dated August 31, 2010, by Michael Rayburn
- 2. Contract No. K-1011-58
- 3. Location map
- Insurance Certificate for Carrington Place Owners Association, Inc., c/o Reliance Property Management from August 27, 2010, to August 27, 2011, from State Farm Fire and Casualty Company
- 5. Insurance Certificate for Carrington Place Owners from August 27, 2010, to August 27, 2011, from State Farm Fire and Casualty Company

and the question being upon approving Contract No. K-1011-58 with Carrington Place Property Owners Association and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-58 with Carrington Place Property Owners Association approved; and the execution thereof was authorized.

Item 29, being:

CONTRACT NO. K-1011-68: A PIPELINE LICENSE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BURLINGTON NORTHERN SANTA FE (BNSF) RAILWAY COMPANY IN THE AMOUNT OF \$5,844 IN ORDER TO INSTALL A FIBER OPTIC CONDUIT UNDER RAILROAD RIGHT-OF-WAY IN CONNECTION WITH THE LINDSEY STREET WIDENING PROJECT FROM CLASSEN BOULEVARD TO JENKINS AVENUE.

Councilmember Cubberley moved that Contract No. K-1011-68, a pipeline license agreement with BNSF Railway Company, in the amount of \$5,844 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-68 dated September 1, 2010, by Lonnie Ferguson
- 2. Contract No. K-1011-68 with Exhibit "A," location drawing/schematics
- 3. Location map
- 4. Purchase Requisition No. 0000175803 dated September 1, 2010, in the amount of \$5,844 to BNSF Railway Company

and the question being upon approving Contract No. K-1011-68, a pipeline license agreement with BNSF Railway Company, in the amount of \$5,844 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-68, a pipeline license agreement with BNSF Railway Company, in the amount of \$5,844 approved; and the execution thereof was authorized.

* * * * *

Item 30, being:

CONSIDERATION OF THE ACCEPTANCE OF AN URBAN AND COMMUNITY FORESTRY ASSISTANCE GRANT FROM THE OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY IN THE AMOUNT OF \$10,000 FOR THE PURPOSE OF HIRING CONTRACTUAL FORESTRY SERVICES FOR THE PARKS AND RECREATION DEPARTMENT, APPROVAL OF CONTRACT NO. K-1011-69, AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that an Urban and Community Forestry Assistance Grant from the Oklahoma Department of Agriculture, Food, and Forestry Department in the amount of \$10,000 for the purpose of hiring contractual forestry services be accepted; Contract No. K-1011-69 be approved; execution of the contract be authorized; \$10,000 be appropriated from Special Grant Fund Balance (022-0000-253.20-00) to Project No. PF0002, Urban Forestry Staff Grant, Professional Services (022-7074-452.40-99); and, upon reimbursement, Forestry Grant Revenue (022-0000-331.13-59) be increased by \$10,000, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-69 dated August 26, 2010, by Suzanne Terry
- 2. Contract No. K-1011-69

and the question being upon accepting an Urban and Community Forestry Assistance Grant from the Oklahoma Department of Agriculture, Food, and Forestry Department in the amount of \$10,000 for the purpose of hiring contractual forestry services and upon the subsequent approval, authorization, appropriation, and increase, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

Item 30, continued:

The Mayor declared the motion carried and an Urban and Community Forestry Assistance Grant from the Oklahoma Department of Agriculture, Food, and Forestry Department in the amount of \$10,000 for the purpose of hiring contractual forestry services accepted; Contract No. K-1011-69 was approved; the execution of the contract was authorized; \$10,000 was appropriated from Special Grant Fund Balance (022-0000-253.20-00) to Project No. PF0002, Urban Forestry Staff Grant, Professional Services (022-7074-452.40-99); and, upon reimbursement, Forestry Grant Revenue (022-0000-331.13-59) will be increased by \$10,000.

* * * * *

Councilmember Kovach asked that he be allowed to abstain from voting on Item 31 due to a conflict of interest. Thereupon, Councilmember Dillingham moved that Councilmember Kovach be allowed to abstain from voting on Item 31 due to a conflict of interest, which motion was duly seconded by Councilmember Quinn; and the question being upon allowing Councilmember Kovach to abstain from voting on Item 31 due to a conflict of interest, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butle

Cubberley, Dillingham, Ezzell, Griffith,

Quinn, Mayor Rosenthal

NAYES: None

ABSTAIN: Councilmember Kovach

The Mayor declared the motion carried and Councilmember Kovach was allowed to abstain from voting on Item 31 due to a conflict of interest.

* * * *

Item 31, being:

CONTRACT NO. K-1011-70: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TOM'S QUALITY CONSTRUCTION IN THE AMOUNT OF \$43,055 FOR THE MOORE-LINDSAY HOUSE EXTERIOR PAINTING PROJECT AND ADOPTION OF RESOLUTION NO. R-1011-28.

Councilmember Cubberley moved that Contract No. K-1011-70 with Tom's Quality Construction in the amount of \$43,055 be approved, the execution thereof be authorized, and Resolution No. R-1011-28 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-70 dated August 26, 2010, by James Briggs, Park Planner
- Tabulation of quotes dated August 25, 2010, for the Moore-Lindsay House Exterior Painting Project
- 3. Contract No. K-1011-70
- Resolution No. R-1011-28

and the question being upon approving Contract No. K-1011-70 with Tom's Quality Construction in the amount of \$43,055 and upon the subsequent authorization and adoption, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith,

Quinn, Mayor Rosenthal

NAYES: None

ABSTAIN: Councilmember Kovach

The Mayor declared the motion carried and Contract No. K-1011-70 with Tom's Quality Construction in the amount of \$43,055 approved; the execution thereof was authorized and Resolution No. R-1011-28 was adopted.

Item 32, being:

CONSIDERATION OF THE ACCEPTANCE OF AN ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) GRANT IN THE AMOUNT OF \$205,143 FOR THREE (3) COMPRESSED NATURAL GAS (CNG) VEHICLES AND ONE (1) LIQUID PROPANE ZERO TURN MOWER FOR THE FLEET MAINTENANCE DIVISION, APPROVAL OF CONTRACT NO. K-1011-72, AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that a grant from ACOG in the amount of \$205,143 for three (3) CNG vehicles and one (1) liquid propane zero turn mower for the Fleet Maintenance Division be accepted; Contract No. K-1011-72 be approved; execution of the contract be authorized; \$90,729 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Service Equipment/Trucks and Vans (022-5080-433.50-03), \$68,758, Service Equipment/Heavy Duty (022-5080-433.50-08), \$21,232, and Service Equipment/Trucks and Vans (010-5071-435.50-03), \$739, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-72 dated September 1, 2010, by Mike White with attached table for estimated cost and savings for the four vehicles
- 2. Contract No. K-1011-72
- 3. City of Norman Application for Association of Central Oklahoma Governments (ACOG) Public Fleet Conversion Grant Program, Round 2, dated May 19, 2010 with Resolution No. R-0910-128
- 4. City of Norman Alternative Fuel Program and Vehicle Replacements dated February, 2009
- 5. Association of Central Oklahoma Governments, 2009 Public Fleet Conversion Grants, Project Change of Scope Request, dated July 23, 2010
- Quote No. 13 dated May 19, 2010, in the amount of \$350,000 from J & R Equipment, L.L.C., to City of Norman
- 7. Sales Receipt No. 48742 dated May 20, 2010, in the amount of \$13,968.83 from Metro Turf Outdoor Power Equipment, to Mike White, Fleet Management

and the question being upon accepting a grant from ACOG in the amount of \$205,143 for three (3) CNG vehicles and one (1) liquid propane zero turn mower for the Fleet Maintenance Division and upon the subsequent approval, authorization, and appropriation, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell,
Griffith, Kovach, Quinn, Mayor
Rosenthal

NAYES: None

The Mayor declared the motion carried and a grant from ACOG in the amount of \$205,143 for three (3) CNG vehicles and one (1) liquid propane zero turn mower for the Fleet Maintenance Division was accepted; Contract No. K-1011-72 was approved; execution of the contract was authorized; and \$90,729 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Service Equipment/Trucks and Vans (022-5080-433.50-03), \$68,758, Service Equipment/Heavy Duty (022-5080-433.50-08), \$21,232, and Service Equipment/Trucks and Vans (010-5071-435.50-03), \$739.

Item 33, being:

CONSIDERATION OF THE CITY'S ATTORNEY RECOMMENDATION FOR APPROVAL OF A COURT ORDER TOTALING \$40,604.58 REGARDING MARK CASTELL VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2009-15620 R.

Councilmember Cubberley moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims totaling \$40,604.58 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. 2009-15620 R dated August 31, 2010, by Rebecca Frazier with Attachment No. One, payments required to comply with the Court Order
- Workers' Compensation Court Order No. WCC 2009-15620R, filed August 23, 2010
- 3. Purchase Requisition No. 0000175524 dated August 25, 2010, in the amount of \$15,048 to Mark Castell and William Woodson
- 4. Purchase Requisition No. 0000175525 dated August 25, 2010, in the amount of \$786.60 to Workers' Compensation Administration Fund Tax
- Purchase Requisition No. 0000175527 dated August 25, 2010, in the amount of \$294.98 to Special Occupational Health and Safety Fund
- 6. Purchase Requisition No. 0000175533 dated August 25, 2010, in the amount of \$75 to Workers' Compensation Court
- Purchase Requisition No. 0000175534 dated August 25, 2010, in the amount of \$118 to Cleveland County Court Clerk

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims totaling \$40,604.58 which will constitute judgment against the City of Norman was directed.

* * * *

Item 34, being:

CONSIDERATION OF THE CITY'S ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER TOTALING \$7,923.91 REGARDING ERNIE MARTIN JENKINS VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2009-12760 L.

Councilmember Cubberley moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims totaling \$7,923.91 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record:

- 1. Text File No. 2009-12760L dated September 3, 2010, by Blaine Nice
- Workers' Compensation Court Order No. WCC 2009-12760L filed September 1, 2010
- 3. Purchase Requisition No. 0000175885 dated September 3, 2010, in the amount of \$7,524 to Ernie Jenkins and Musser and Kouri
- 4. Purchase Requisition No. 0000175886 dated September 3, 2010, in the amount of \$150.48 to Workers' Compensation Administration Fund Tax
- Purchase Requisition No. 0000175888 dated September 3, 2010, in the amount of \$56.43 to Special Occupational Health and Safety Fund
- Purchase Requisition No. 0000175889 dated September 3, 2010, in the amount of \$75 to Workers' Compensation Court
- Purchase Requisition No. 0000175890 dated September 3, 2010, in the amount of \$118 to Cleveland County Court Clerk

Item 34, continued:

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims totaling \$7,923.91 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 35, being:

CONSIDERATION OF THE CITY'S ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER TOTALING \$5,582.60 REGARDING ALLEN SHELTON VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2008-12578 L.

Councilmember Cubberley moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims totaling \$5,582.60 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record:

- 1. Text File No. 2008-12578X dated August 31, 2010, by Blaine Nice
- Workers' Compensation Court Order No. WCC 2008-12758X filed August 24, 2010
- 3. Purchase Requisition No. 0000175544 dated August 25, 2010, in the amount of \$5,582.60 to Allen Shelton and John R. Colbert
- Purchase Requisition No. 0000175545 dated August 25, 2010, in the amount of \$104.91 to Workers' Compensation Administration Fund Tax
- Purchase Requisition No. 0000175546 dated August 25, 2010, in the amount of \$39.34 to Special Occupational Health and Safety Fund
- Purchase Requisition No. 0000175547 dated August 25, 2010, in the amount of \$75 to Workers' Compensation Court
- Purchase Requisition No. 0000175548 dated August 25, 2010, in the amount of \$118 to Cleveland County Court Clerk

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,

Cubberley, Dillingham, Ezzell, Griffith Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims totaling \$5,582.60 which will constitute judgment against the City of Norman was directed.

Item 36, being:

CONSIDERATION OF THE CITY'S ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER TOTALING \$76,274.23 REGARDING JONATHAN C. STAMPER VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-01029 L.

Councilmember Cubberley moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims totaling \$76,274.23 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record:

- Text File No. 2010-01029L dated August 31, 2010, by Blaine Nice with Attachment No. One, payments required to comply with the Court Order
- Workers' Compensation Court Order No. WCC 2010-01029L, Order Awarding the Nature and Extent of Permanent Partial Disability Benefits and Disfigurement, filed April 28, 2010
- Workers' Compensation Court Order No. WCC 2010-01029L, Order on Appeal Affirming the Decision of the Trial Court, filed August 18, 2010
- 4. Purchase Requisition No. 0000175594 dated August 26, 2010, in the amount of \$36,246.59 to Jonathan Stamper and Bill Woodson
- Purchase Requisition No. 0000175595 dated August 26, 2010, in the amount of \$1,333.80 to Workers' Compensation Administration Fund Tax
- Purchase Requisition No. 0000175596 dated August 26, 2010, in the amount of \$556.53 to Special Occupational Health and Safety Fund
- Purchase Requisition No. 0000175597 dated August 26, 2010, in the amount of \$75 to Workers' Compensation Court
- Purchase Requisition No. 0000175598 dated August 26, 2010, in the amount of \$119.30 to Cleveland County Court Clerk

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims totaling \$76,274.23 which will constitute judgment against the City of Norman was directed.

* * * *

Item 37, being:

RESOLUTION NO. R-1011-33: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$75,600 FROM THE PUBLIC SAFETY SALES TAX FUND IN ORDER TO COMPLETE THE PURCHASE OF POLICE VEHICLES FOR FYE 2011.

Councilmember Cubberley moved that Resolution No. R-1011-33 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1011-33 dated August 18, 2010, by Suzanne Krohmer
- 2. Resolution No. R-1011-33

and the question being upon adopting Resolution No. R-1011-33, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-33 was adopted.

Item 38, being:

RESOLUTION NO. R-1011-35: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$790 FROM THE ROOM TAX FUND BALANCE; \$84,945 FROM THE GENERAL FUND BALANCE; \$59,787 FROM THE CAPITAL FUND BALANCE; \$759 FROM THE NEW DEVELOPMENT EXCISE FUND BALANÇE; \$95 FROM THE HALL PARK DEBT SERVICE FUND BALANCE; AND \$160 FROM THE DEBT SERVICE FUND BALANCE TO CLEAR NEGATIVE FYE 2010 EXPENDITURE BALANCES.

Councilmember Cubberley moved that Resolution No. R-1011-35 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1011-35 dated August 31, 2010, by Suzanne Krohmer
- 2. Resolution No. R-1011-35

and the question being upon adopting Resolution No. R-1011-35, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Resolution No. R-1011-35 was adopted.

Item 39, being:

<u>PROCLAMATION NO. P-1011-2</u>: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, OCTOBER 10, 2010, AS CROP HUNGER WALK DAY IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-1011-2 proclaiming Sunday, October 10, 2010, as Crop Hunger Walk Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. P-1011-2 dated August 31, 2010
- 2. Proclamation No. P-1011-2

Participants in discussion

1. Mr. Ed Kearns accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-2 proclaiming Sunday, October 10, 2010, as Crop Hunger Walk Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-2 proclaiming Sunday, October 10, 2010, as Crop Hunger Walk Day in the City of Norman acknowledged; and the filing thereof was directed.

Item 40, being:

PROCLAMATION NO. P-1011-4: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SEPTEMBER 17 THROUGH 23, 2010, AS CONSTITUTION WEEK IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-1011-4 proclaiming September 17 through 23, 2010, as Constitution Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. P-1011-4 dated September 8, 2010
- 2. Proclamation No. P-1011-4

Participants in discussion

1. Ms. Christina McCurtain, Registrar of the Black Beaver Chapter of the Daughters of the American Revolution, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-4 proclaiming September 17 through 23, 2010, as Constitution Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

Councilmembers YEAS: Atkins,

Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

September 14, 2010

None NAYES:

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-4 proclaiming September 17 through 23, 2010, as Constitution Week in the City of Norman acknowledged; and the filing thereof was directed.

Item 41, being:

PROCLAMATION NO. P-1011-5: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SEPTEMBER 20 THROUGH 24, 2010, AS SENIOR ADULT DAY SERVICES WEEK IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-1011-5 proclaiming the week of September 20 through 24, 2010, as Senior Adult Day Services Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. P-1011-5 dated September 8, 2010
- Proclamation No. P-1011-5

Participants in discussion

1. Ms. Tammy Vaughn, Executive Director of Full Circle Adult Day Center, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-5 proclaiming the week of September 20 through 24, 2010, as Senior Adult Day Services Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins,

Cubberley, Dillingham, Ezzell, Griffith,

Kovach, Quinn, Mayor Rosenthal

None NAYES:

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-5 proclaiming the week of September 20 through 24, 2010, as Senior Adult Day Services Week in the City of Norman.

* * * * *

Item 42, being:

CONTRACT NO. K-1011-75: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA; THE NORMAN TAX INCREMENT FINANCE AUTHORITY; UNIVERSITY NORTH PARK, L.L.C.; UNIVERSITY TOWN CENTER, L.L.C.; NORMAN ECONOMIC DEVELOPMENT COALITION; AND THE UNIVERSITY OF OKLAHOMA FOUNDATION, INC., FOR THE UNIVERSITY NORTH PARK ECONOMIC DEVELOPMENT AGREEMENT.

Acting as the City Council and Norman Tax Increment Finance Authority, Councilmember Quinn moved that Contract No. K-1011-75 with University North Park, L.L.C.; University Town Center, L.L.C.; Norman Economic Development Coalition; and University of Oklahoma Foundation, Inc.; for the University North Park Economic Development Agreement be postponed until September 21, 2010, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-75 dated September 9, 2010, by Kathryn Walker
- Memorandum dated September 8, 2010, from Kathryn L. Walker, Assistant City Attorney II, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers and Honorable Trustees of the Norman Tax Increment Finance Authority
- Executive Summary of the Proposed University North Park Economic Development Agreement
- 4. Contract No. K-1011-75 with Exhibit A, NEDC Development Agreement

and the question being upon postponing Contract No. K-1011-75 with University North Park, L.L.C.; University Town Center, L.L.C.; Norman Economic Development Coalition; and University of Oklahoma Foundation, Inc.; for the University North Park Economic Development Agreement, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1011-75 with University North Park, L.L.C.; University Town Center, L.L.C.; Norman Economic Development Coalition; and University of Oklahoma Foundation, Inc.; for the University North Park Economic Development Agreement was postponed until September 21, 2010.

Item 43, being:

<u>RESOLUTION NO. R-1011-39</u>: A RESOLUTION OF THE NORMAN TAX INCREMENT FINANCE AUTHORITY APPROVING CONCURRENCE IN AGREEMENT OF THE NORMAN ECONOMIC DEVELOPMENT COALITION TO FINANCE THE ACQUISITION OF PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES, WITHIN THE UNIVERSITY NORTH PARK ECONOMIC DEVELOPMENT PROJECT.

Acting as the Norman Tax Increment Finance Authority, Trustee Dillingham moved that Resolution No. R-1011-39 be postponed until September 21, 2010, which motion was duly seconded by Trustee Quinn;

Items submitted for the record

- 1. Text File No. R-1011-39 dated September 9, 2010, by Kathryn Walker
- Memorandum dated September 8, 2010, from Kathryn L. Walker, Assistant City Attorney II, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers and Honorable Trustees of the Norman Tax Increment Finance Authority
- 3. Resolution No. R-1011-39
- 4. Proposed Loan Term Sheet dated July 12, 2010, from Chuck R. Thompson, President, Chief Executive Officer, Republic Bank and Trust, to Don M. Wood, Executive Director, Norman Economic Development Coalition, Inc.
- 5. Final Plat of University North Park Corporate Center Addition, Section 1
- Site Development Plan for University North Park Corporate Center Addition, Section 1
- Location map of University North Park Corporate Center Addition, Section 1, a Planned Unit Development
- 8. Revised Preliminary Plat of University North Park

Item 43, continued:

and the question being postponing Resolution No. R-1011-39 until September 21, 2010, à vote was taken with the following result:

YEAS:

Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Resolution No. R-1011-39 was postponed until September 21, 2010.

Item 44, being:

RESOLUTION NO. R-1011-40: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") ISSUING ONE OR MORE SERIES OF ITS TAX INCREMENT REVENUE NOTES (COLLECTIVELY, THE "TIF NOTES"); APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE AUTHORITY ISSUING ONE OR MORE SERIES OF ITS ECONOMIC DEVELOPMENT REVENUE NOTES (COLLECTIVELY, THE "DEVELOPMENT NOTES"); WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID TIF NOTES AND SAID DEVELOPMENT NOTES AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID TIF NOTES AND SAID DEVELOPMENT NOTES; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURES AUTHORIZING THE ISSUANCE OF SAID TIF NOTES AND SAID DEVELOPMENT NOTES; APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT TO REMIT FUNDS AND SECURITY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUES AND AD VALOREM TAX INCREMENT REVENUES TO THE REPAYMENT OF THE TIF NOTES; APPROVING AND AUTHORIZING EXECUTION OF ONE OR MORE SECURITY AGREEMENTS PERTAINING TO THE REPAYMENT OF THE DEVELOPMENT NOTES; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Councilmember Quinn moved that Resolution No. R-1011-40 be postponed until September 21, 2010, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. R-1011-40 dated September 9, 2010, by Kathryn Walker
- Memorandum dated September 8, 2010, from Kathryn L. Walker, Assistant City Attorney II, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers and Honorable Trustees of the Norman Tax Increment Finance Authority
- 3. Resolution No. R-1011-40 with Certificate of City Council Action

and the question being postponing Resolution No. R-1011-40 until September 21, 2010, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Resolution No. R-1011-40 was postponed until September 21, 2010.

Item 45, being:

RESOLUTION NO. R-1011-41: A RESOLUTION AUTHORIZING THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") TO ISSUE ONE OR MORE SERIES OF TAX INCREMENT REVENUE NOTES (COLLECTIVELY, THE "TIF NOTES"); IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,250,000; AUTHORIZING THE AUTHORITY TO ISSUE ONE OR MORE SERIES OF ECONOMIC DEVELOPMENT REVENUE NOTES (COLLECTIVELY, THE "DEVELOPMENT NOTES") IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,250,000; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE TIF NOTES AND THE DEVELOPMENT NOTES TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT TO REMIT FUNDS AND SECURITY AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO A PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUE AND AD VALOREM TAX INCREMENT REVENUE TO THE REPAYMENT OF THE TIF NOTES; APPROVING AND AUTHORIZING EXECUTION OF ONE OR MORE SECURITY AGREEMENTS PERTAINING TO THE REPAYMENT OF THE DEVELOPMENT NOTES; APPROVING AND AUTHORIZING EXECUTION OF GENERAL BOND INDENTURES AND SERIES SUPPLEMENTAL NOTE INDENTURES, AS APPROPRIATE (COLLECTIVELY, THE "INDENTURES") AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE TIF NOTES AND THE DEVELOPMENT NOTES; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURES; AUTHORIZING AND DIRECTING THE EXECUTION OF THE TIF NOTES AND THE DEVELOPMENT NOTES AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Acting as the Norman Tax Increment Finance Authority, Trustee Quinn moved that Resolution No. R-1011-41 be postponed until September 21, 2010, which motion was duly seconded by Trustee Butler:

Items submitted for the record

- 1. Text File No. R-1011-41 dated September 9, 2010, by Kathryn Walker
- Memorandum dated September 8, 2010, from Kathryn L. Walker, Assistant City Attorney II, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers and Honorable Trustees of the Norman Tax Increment Finance Authority
- 3. Resolution No. R-1011-41 with Certificate of Authority Action

and the question being postponing Resolution No. R-1011-41 until September 21, 2010, a vote was taken with the following result:

YEAS:

Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Resolution No. R-1011-41 was postponed until September 21, 2010.

* * * * *

MISCELLANEOUS DISCUSSION

<u>University North Park Tax Increment Finance District</u>. Mr. Scott St. Arnauld, American Federation of State, County, and Municipal Employees (AFSCME), International Union Representative, read a statement which questioned whether or not the City had financial problems and the possibility of lay off of City employees while using funds for the economic development portion of the University North Park Tax Increment Finance District.

Items submitted for the record

 Presentation dated September 14, 2010, to the City Council, City of Norman, Oklahoma, by Scott St. Arnauld, AFSCME International Union Representative.

Mr. Roger Gallagher, 1522 East Boyd Street, said he went to the TIF Oversight Committee today. He said the meeting took place although there was no agenda posted and it was not on the website. He said contacted the City Clerk's Office and was told there was no meeting on the calendar. He said two City attorneys were present at the meeting and he wanted an explanation why illegal meeting took place. He said he had a hard time believing this was a simple mistake and the citizens deserve a simple explanation.

Mr. Brenda Hall, City Clerk, assured Mr. Gallagher that it was a clerical error. She said this was a Special Meeting of the TIF Oversight Committee that was called last week, not the regularly scheduled meeting was scheduled for September 21st. She said an agenda was sent out to the TIF Oversight Committee and emailed to a member of her Staff to be posted, but that person was on vacation and it did not get posted. It was a simple oversight and was not caught until today when we received your phone call and Staff realized that this Special Meeting was not posted. She said the agenda is prepared by another department in the City and the person he spoke with on the telephone was not aware of the meeting. She said when the error was discovered, it was decided the best course of action was to reconvene the meeting when the agenda could be posted in compliance with the Open Meeting Act.

Councilmember Cubberley asked the City Attorney to address the legality of this meeting.

Mr. Jeff Bryant, City Attorney, said it was not an illegal meeting as this particular committee is not subject to the Open Meeting Act by definition and although the City has a practice of posting in accordance with the Open Meetings Act for all committees, legally, the 48 hour notice was not required for this committee. He went on to say while the meeting was a legal meeting, in order to comply with Council's desire to post all meetings so the public has the opportunity to attend, tonight's action was postponed so that the TIF Oversight Committee could reconvene in accordance with the Open Meetings Act.

Ms. Ann Gallagher, 1522 East Boyd Street, said she would like to know the difference between boards, commissions, and committees. She said she was on a Board and those notices had to be posted 48 hours prior to the meeting.

Mr. Jeff Bryant, said it one would need to look at the definition of what type of board and committee under the Open Meetings Act is subject to the act and generally it is a board or a committee that has decision making authority and if it is just a recommendatory committee, generally, it is not required under the Open Meetings Act. He said this Council has expressed their commitment to the Open Meetings Act principles and has extended those principles to several boards and committees. He said the resolution that empowered this specific committee did not have a provision that required compliance with the Open Meeting Act.

Mayor Rosenthal reiterated that the City's practice is to follow the Open Meeting Act.

<u>Fall Cleanup</u>. Mr. W.T. Farrow, Post Office Box 844, Oklahoma City, said the annual Fall Cleanup would begin in a few weeks and asked Council to get involved and talk with citizens about what a good job City employees do.

Miscellaneous Discussion, continued:

Options to Reduce Water Fund Costs. Mr. Dale Hartman, 1023 Carlisle Circle, said the City Council Finance Committee met on September 2, 2010, and an article was published in the Norman Transcript listing proposed ideas to offset the budgetary crisis because of the rate hike failure. He said he took exception to three of those options. He said the first was to stop picking up polycarts in the alleyways because it wasted time and gas and why was the City doing it if it was. He said the second was the purchase of water from Oklahoma City at a cost of \$300,000 per year for non-emergency. He asked why we would purchase water for non-emergencies. He said the third option was reducing the water level in towers and he said that would jeopardize lives. He said he was alarmed that it was suggested because perception is everything.

Mayor Rosenthal said the meeting was held to explore all options and the options were not all possible or feasible.

Mr. Steve Lewis, City Manager, said the Finance Committee was asked to look at a number of issues with respect to the Water and Sanitation Funds. He said not only did they look at trying to reduce costs but also looked at other fees and charges. He said picking up polycarts in alleys is an issue that has been discussed several times and it would save money because the trucks would not have to travel on as many streets. He said alleys are very narrow and it causes damage to the equipment. He said this is done throughout the country and Staff will continue to look at this option. He said in July and August of each year, the City is at a maximum pumping capacity. He said it is fine when they are pumping 18 to 20 million gallons per day but when it climbs up to 22 to 23 million gallons per day, there is not enough surface water coming from Lake Thunderbird or enough well water to meet customer demands for domestic use, irrigation, and landscaping, we find ourselves purchasing water from the City of Oklahoma City on emergency basis. He said the City purchases emergency water approximately eight to ten times per year. He said the State of Oklahoma requires that if you own and operate a public water supply system, water pressures cannot be below the minimum level of 25 pounds per square inch (PSI) at the meter. The City currently operates the water system at approximately 50 pounds PSI at the meter which is double the minimum threshold and it is possible to responsibly cut back in that area and still maintain fire protection. He said this technique is used around the country and does conserve water by not wasting water. He said if you are pumping less water, it also reduces power consumption costs. He said the idea of reducing water pressure was discussed with the Finance Committee and the Committee was not interested therefore Staff is not pursuing it.

Mr. Lewis said he had received notice that the City of Oklahoma City is increasing their fee by 4% for the purchase of water purchased by the City of Norman. He said the City of Oklahoma City is also increasing their water and sanitation rates 4% for the next three years.

Ms. Jeanette Coker, 620 East Main Street, said the alleys were only in core Norman and picking up polycarts accommodates the elderly and handicapped.

<u>Utility Rate Election</u>. Ms. Jayne Crumpley, 423 Elm Avenue, said she was disappointed that the water and sanitation rate increase election was not successful.

<u>Parking Issues in Neighborhood.</u> Ms. Jayne Crumpley, 423 Elm Avenue, said there were ongoing problems regarding illegal parking in her neighborhood. She said there are several residents causing the problem and they have not received citations. She had spoken with Lieutenant Teuscher who had checked out these issues and had reported back to her and she appreciated that.

Midway Jam. Councilmember Kovach reminded everyone that this Sunday is the Midway Jam from noon to 7:00 p.m.

Shop Norman. Councilmember Quinn encouraged citizens to "Shop Norman."

Miscellaneous Discussion, continued:

Oklahoma Department of Transportation (ODOT) Projects. Mr. Steve Lewis, City Manager, said Secretary Ridley from ODOT had spoken recently to the Norman Chamber of Commerce and announced that ODOT would be coming forward later this fall with the preferred alternatives for the new bridge and interchange designs for Interstate 35 and Main Street, Lindsey Street, and Highway 9. He said the first interchange to be constructed would be Main Street and the contract would be let in approximately twelve to fourteen months.

A Public Meeting will be held on September 30, 2010, at 6:00 p.m. at City Hall to discuss the 60th Avenue N.W./Western Avenue Project. He said the project is well underway, funding is available, and this is the last step in the environmental clearance process. He said this project included reconstructing the Norman portion and three miles of Western Avenue in the Oklahoma City limits and Oklahoma City's project will coincide with Norman's project. He said this roadway will go from two lanes to four lanes with ten foot shoulders on each side of the street to serve as a bicycle path in each direction with a new traffic signal to be installed at Indian Hills Road.

ODOT has adopted their 8-year construction work plan which includes \$4.3 billion of highway and bridge improvement projects with 23 projects located in Norman. The projects to be constructed in Norman will cost approximately \$153.8 million.

Outdoor Warning System. Mr. Steve Lewis, City Manager, said the installation process has been underway since voters approved the Outdoor Warning System Project. He said Ward Five has been most directly impacted to date with 45 tentative siren locations east of 24th Avenue and then the locations will move west. He said there have been citizen inquiries and Staff was working with citizens. New sirens would be installed within two weeks go from east to west and the project should be completed before the Spring Storm Season.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Cubberley; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None
The Mayor declared the motion carried	and the meeting was adjourned at 7:45 p.m.
ATTEST:	
City Clerk	Mayor

FINANCE COMMITTEE MINUTES

September 15, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 15th day of September 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Members Dillingham, Ezzell, Quinn, and Chair

Cubberley

ABSENT: None

OTHERS PRESENT: Cindy Rosenthal, Mayor

Al Atkins, Council Member Jim Griffith, Council Member Steve Lewis, City Manager

Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Chris Mattingly, Utilities Superintendent Scottie Williams, Utilities Superintendent Kathryn Walker, Assistant City Attorney II

DISCUSSION REGARDING MUNICIPAL FINANCE SERIES

- Will use Draft #2 handout as outline for sessions
- Educational process for citizens
- Start in October
- Sessions will be held every 2 weeks
- Avoid Transportation Committee meetings which are held on 4th Thursday each month
- Cubberley liked writing down questions from attendees similar to Water Forum format
- Play when sessions are completed and at later time on Channel 20 as learning tool

Items submitted for the record

1. Municipal Finance Series Draft #2 outline from Anthony Francisco, Finance Director

CONTINUED DISCUSSION ON FYE 11 WATER AND SANITATION RATES

Water

- Emergency contract versus "pay-ahead" for water with City of Oklahoma City
- Reducing water pressure totally off table for consideration not an alternative to be presented

Finance Committee Minutes September 15, 2010 Page 2

Sanitation

- Mayor wants ordinance change to cancel fall clean-up and reduce yard waste pickup in winter months once every 2 weeks only
- Committee agrees too late to cancel the fall clean-up scheduled for October
- Look at alternatives for spring clean-up
- What are the costs to have transfer station open for spring clean-up advertising costs
- Elderly and others "no way to haul" concerns if we only have transfer station option
- Ezzell Charge fee for pick-up for those can't haul their own trash
- City has that service now
- Last Council meeting in September bring forward ordinance change for yard waste reduction in services to once a month only during months of December, January and February
- Alley pick-up changes recommend one-way pick-up of alleys
- Recommend optimization study with results to be presented at October 21st meeting
- Look at alley pick-up with study results at a study session
- Want monetary damage costs to fleet, other properties, etc. claims have to paid for damage by City vehicle to property, etc
- Every other week pick-up reduction approximate \$17,000
- Eliminating service for 3 months approximately \$34,000 to \$35,000 savings in yard waste
- Look at yard waste pick-up just once a month during December, January and February
- There's sufficient work for the staff, if any of these options are enacted

Items submitted for the record

1. Report on Water and Sanitation Division Savings and Additional Fees prepared by Utilities Department

DISCUSSION REGARDING THE REVENUE / EXPENDITURE REPORT

- Sanitation residential collections down
- Sales tax collections were up 1% from the previous year

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated August 31, 2010

Finance Committee will review Westwood Golf Course Business Plan at the January meeting.

Mayor mentioned that she had calls and comments about sales tax collections in relation to TIF #2 and also citizens not understanding City of Norman budget and audit figures. Recommends posting FAQ's section on both on the website.

Finance Committee Minutes September 15, 2010 Page 3

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

- Ezzell City Engineer position status using search firms
- Helping budget to hold positions vacant
- Clarify Public Safety Sales Tax positions

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated September 8, 2010

City won Central Oklahoma Master Conservancy District lawsuit – water surcharge - COMCD wanted contract interpreted. Using wells more and rainfall have decreased water sales and saved on water.

The meeting adjourned at 6:34 p.m.			
ATTEST:			
		•	
City Clerk	 Mayor	···	



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 6

Text File Number: O-1011-04

Introduced: 9/14/2010 by Brenda Hall, City Clerk

Version: 1

Current Status: Consent Item

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-4 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 7.5-22 AND SECTION 7.5-26 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE FILING OF CAMPAIGN STATEMENTS AND DUTIES OF THE ENFORCEMENT AUTHORITY REGARDING CAMPAIGN STATEMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-4 upon First Reading by Title.

Body

BACKGROUND: The 2010 Mayoral and City Council election cycle included 11 candidates and nine committees supporting or opposing candidates who participated in the election. Seven of the nine committees did not file the necessary City Campaign Contribution and Expenditures reports until they were contacted by staff and/or Enforcement Authority members. Enforcement Authority members felt strongly that additional efforts should be made to educate the public on the ordinance requirements and, as a result, reviewed the current ordinances to determine whether modifications to the ordinance would help alleviate future issues with non-compliance committees and/or individuals.

INFORMATION: The Enforcement Authority met on July 9 and 14, 2010, to consider possible amendments to Chapter 7.5, Elections. The following amendments were proposed and approved by the Enforcement Authority:

Amend Section 22 to increase the time for filing the final campaign statement from 30 days to 40 days subsequent to the final election.

Impose a late fee of \$10 per day up to \$100 per report for filing Campaign Contribution and Expenditure Reports.

Amend Section 26 to add an additional duty for the Enforcement Authority to make an effort to inform the public about the importance of reporting all contribution and expenditures by candidates for local offices as well as the political action committees involved in a given campaign.

The above-described amendments were included with the Enforcement Authority's Final Report and placed on Council's agenda for July 27, 2010. At the July 27, 2010, City Council meeting, the Mayor asked the Council Oversight Committee to review the proposed amendments recommended by the Enforcement Authority and make a recommendation to Council whether or not to move forward for formal consideration.

The Oversight Committee met on September 1, 2010, and recommended the proposed amendments be forwarded to City Council for their consideration with support from the Oversight Committee. The Oversight Committee was also very interested in how the Enforcement Authority would pursue their campaign to educate the public on reporting requirements for City Council races and asked that the information be submitted to the Oversight Committee at their regular meeting on November 3, 2010.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTION 7.5-22 AND SECTION 7.5-26 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE FILING OF CAMPAIGN STATEMENTS AND DUTIES OF THE ENFORCEMENT AUTHORITY REGARDING CAMPAIGN STATEMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Article II, Section 7.5-22 of Chapter 7.5 of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-22. Campaign statements filing.

Each candidate for nomination or election to the Office of Council Member or Mayor and any committee acting on behalf of or in opposition to a candidate shall file a campaign statement no later than 12:00 noon on the Friday preceding each Municipal or Municipal runoff election in which he or she is a candidate, a supplemental campaign statement no later than 12:00 noon on the Monday preceding each election in which he or she is a candidate, and a final campaign statement within forty (40) days subsequent to the final election. The supplemental campaign statement shall not be required to be filed by any candidate who has no additional campaign contributions or expenditures to report since the filing of the initial campaign statement. Any such statement's shall be filed in the office of the City Clerk during regular business hours. If the time for filing expires on a Sunday or on a holiday, the statement may be filed on the next regular business day. Every candidate or candidate committee or every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures on or before the days specified herein shall be assessed a late filing fee of up to Ten Dollars (\$10.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Hundred Dollars (\$100.00). The agent, except for agents for candidates or candidate committees, may be liable for the late fee. Failure to file a report shall be deemed to be a separate offense for each day that the report remains unfiled after it become due.

* * *

§ 2. That Article II, Section 7.5-26 of Chapter 7.5 of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-26. Duties of the Enforcement Authority.

In addition to any other duties designated by the terms of this article, the Enforcement Authority shall:

* * *

(9) Make an effort to inform the public about the importance of reporting all contributions and expenditures by candidates for local offices as well as the political action committees (PAC's) involved in a given campaign.

* * *

§ 3. <u>Severability.</u> If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this	_ day	NOT ADOPTED this	day
of	, 2010.	of	, 2010.
Cindy Rosenthal, Mayor		Cindy Rosenthal, Mayor	
ATTEST:			
Brenda Hall City Clerk			

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTION 7.5-22 AND SECTION 7.5-26 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE FILING OF CAMPAIGN STATEMENTS AND DUTIES OF THE ENFORCEMENT AUTHORITY REGARDING CAMPAIGN STATEMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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* * *

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ADOPTED this	day	NOT ADOPTED this _	day
of	, 2010.	of	, 2010.
Cindy Rosenthal, Mayor		Cindy Rosenthal, Mayo	or
ATTEST:			
Brenda Hall, City Clerk			•

ENFORCEMENT AUTHORITY REPORT City of Norman March 16, 2010 page 1 of 2

Members of the Enforcement Authority met January 13, 2010 to review filing of candidates, January 20 with candidates or designated agents, and February 26 to review Contribution and Expenditure reports for the 2010 Mayoral and City Council elections for wards 2, 4, 6, and 8.

City Clerk Brenda Hall provided additional information on reports received and several minor scrivener's errors and missing information was noted, corrections requested and subsequently received.

Complaint:

On March 1, 2010, the Enforcement Authority met and reviewed Reports of Supplemental Contribution and Expenditures. A complaint was filed against the Committee to Elect Hal Ezzell.

A certified letter was sent requesting information to resolve the complaint. A response from Councilmember Ezzell resolved the complaint to the Enforcement Authority's satisfaction.

Non-compliant Committees:

Members reviewed copies of flyers and post cards distributed by the Citizens Against the Porter Corridor, Citizens for a Better Porter Corridor Plan, Citizens for the Ethical Treatment of Taxpayers, Ward 4 for Austin Dyches Committee, Friends of Aaron Stiles, Cleveland County Republican Party, and Norman Professional Fire Fighters.

The Citizens Against the Porter Corridor, Citizens for a Better Porter Corridor Plan, Citizens for the Ethical Treatment of Taxpayers and Ward 4 for Austin Dyches Committee were all linked to Jeanette Coker.

A certified letter was sent to Jeanette Coker asking her to attend the next meeting on Monday, March 8, 2010, to answer questions about her involvement with the committees and bring her records as referenced in Sec. 7.5-27 (e) of the Code of the City of Norman, informing her that:

"The Enforcement Authority may at any time demand and shall be furnished records of campaign contributions and expenses of a candidate or committee."

In light of the Enforcement Authority's discovery of four (4) items with four different committee names attributed to Ms. Coker, members also expressed concern over an earlier statement that Coker made to the City Clerk on Friday, Feb. 26, 2010 in which she (Coker) maintained that she was not involved with any other committees other than the Citizens Against the Porter Corridor and Citizens for a Better Porter Corridor Plan and at that time, registered one committee, Citizens for a Better Porter Corridor Plan. Coker explained to the City Clerk that this was a name change from Citizens Against the Porter Corridor. Coker had filed none of the required Contribution and Expenditure Reports.

Friends of Aaron Stiles Committee, Cleveland County Republican Party, and International Association of Fire Fighters were contacted by the City Clerk and all filed late Contribution

and Expenditure Reports.

ENFORCEMENT AUTHORITY REPORT City of Norman March 16, 2010 page 2 of 2

Ms. Coker filed Campaign Contribution and Expenditure Reports for the Citizens for the Ethical Treatment of Taxpayers, Citizens for a Better Porter Corridor Plan, and Ward 4 for Austin Dyches Committee on March 5, 2010. Ms. Coker did not attend the March 8, 2010, Enforcement Authority meeting, stating that she had a doctor's appointment, nor did she send an agent or attorney as she indicated to the Chair via her telephone call, nor did she produce the supporting documentation (receipts/records) as requested. A second certified letter was sent specifying the records needed for compliance to be produced on or before the next Enforcement Authority's meeting on April 5, 2010.

Respectfully submitted,

Mary Francis, Chair

Members: Dr. Richard Hilbert, Louis Hemphill, Nina Flannery, Ty Hardiman

ENFORCEMENT AUTHORITY MINUTES

January 13, 2010

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 13th day of January, 2010, at 5:40 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT: Louis Hemphill

Richard Hilbert

Chairman Mary Francis

MEMBERS ABSENT: Ty Hardiman

OTHERS PRESENT: Brenda Hall, City Clerk

Chairman Francis called the meeting to order at 5:40 p.m.

Item 1. Roll Call. City Clerk Hall called the roll.

Item 2. Approval of minutes from the May 20, 2009, meeting. Chairman Francis moved that Item 3 of the minutes be amended to reflect that all members had signed the Ethics Policy Pledge, and the question being upon amending Item 3 of the minutes to reflect that all members had signed the Ethics Policy Pledge, a vote was taken with the following result:

YEAS: Members Hemphill, Hilbert, and Chairman

Francis

NAYES: None

The Chairman declared the motion carried and Item 3 of the minutes was amended to reflect that all members had signed the Ethics Policy Pledge.

Thereupon, Chairman Francis moved that the minutes from the May 20, 2009, meeting, as amended, be approved, which motion was duly seconded by Member Hemphill; and the question being upon approving the minutes from the May 20, 2009, meeting as amended, a vote was taken with the following result:

YEAS: Members Hemphill, Hilbert, and Chairman

Francis

NAYES: None

The Chairman declared the motion carried and the minutes from the May 20, 2009, meeting, as amended, were approved.

Enforcement Authority Meeting January 13, 2010 Page 2

Item 3. Election of Chairman. Member Hemphill moved that Chairman Francis be reelected, which motion was duly seconded by Member Hilbert; there being no further nominations it was declared Chairman Francis was reelected by acclamation.

- Item 4. Review of City and State Campaign Contributions and Expenditures report forms. Chairman Francis and Members Hemphill and Hilbert reviewed and discussed the Campaign Contribution and Expenditure report forms and instructions. Members asked that another attachment similar to the contributions list be added to the report form for expenditures. Chairman Francis suggested a complaint form be developed and asked City Clerk Hall to create a template for review at the February 26, 2010, meeting.
- Item 5. Discuss Orientation Session scheduled January 20, 2010. Members confirmed the orientation session for January 20, 2010, at 6:30 p.m. Chairman Francis will discuss aggregate contributions and Member Hemphill will discuss In-kind contributions, encumbrances, and loans. Members also talked about who must file and ways to educate candidates and the public on filing reports when an individual or committee expends funds on behalf of or in opposition to a candidate. City Clerk Hall said additional emphasis could be placed on the campaign information and instructions available on the City's website and the Committee concurred.

Item 6. Miscellaneous Discussion.

None

Item 7. Adjournment.

Member Hilbert moved that the meeting be adjourned, which motion was duly seconded by Member Hemphill; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:

Members Hemphill, Hilbert, and Chairman

Francis

NAYES:

None

The Chairman declared the motion carried and the meeting was adjourned at 6:25 p.m.

ENFORCEMENT AUTHORITY MINUTES

January 20, 2010

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 20th day of January, 2010, at 6:30 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT:

Ty Hardiman Louis Hemphill Richard Hilbert Chairman Francis

MEMBERS ABSENT:

None

OTHERS PRESENT:

Councilmember Tom Kovach, Ward Two Jane Crumpley, Representative for Mayor Rosenthal

Jack Dawson, Ward Four candidate Councilmember Carol Dillingham, Ward Four candidate

David Drennan, Representative Councilmember Quinn, Ward Eight candidate

Karmon Dyches, Representative Austin Dyches, Ward Four candidate Councilmember Jim Griffith, Ward Six candidate

Rhett Jones, Representative for Carol Dillingham, Ward Four candidate Stephen Lucas, Ward Eight candidate Michael Patton, Representative for Mayoral candidate Hal Ezzell

Councilmember Dan Quinn, Ward Eight candidate

Leonard

Youngblood, Ward Eight candidate

Matt Zellner, Ward Six candidate

Brenda Hall, City Clerk

Chairman Frances called the meeting to order at 6:30 p.m.

Item 1. Roll Call. City Clerk Hall called the roll.

Enforcement Authority Meeting January 20, 2010 Page 2

Item 2. Approval of minutes from the January 13, 2010, meeting. Member Hemphill moved that the minutes from the January 13, 2010, meeting be approved, which motion was duly seconded by Member Hilbert; and the question being upon approving the minutes from the January 13, 2010, meeting, a vote was taken with the following result:

YEAS: Members Hardiman, Hemphill, Hilbert, and

Chairman Frances

NAYES: None

Chairman Francis declared the motion carried and the minutes from the January 13, 2010, meeting were approved.

Item 3. Orientation session with the new City Council candidates. Members reviewed the campaign contribution reports with candidates. Member Hemphill explained in-kind contributions as well as expenditures and encumbrances, Chairman Frances explained aggregate contributions, and Member Hilbert explained campaign sign regulations. Members then fielded questions from the candidates and/or their representatives.

Item 4. Miscellaneous Discussion. None

Item 5. Adjournment.

Member Hilbert moved that the meeting be adjourned, which motion was duly seconded by Member Hardiman; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:

Members Hardiman, Hemphill, Hilbert, and

Chairman Frances

NAYES:

None

Chairman Frances declared the motion carried and the meeting was adjourned at 7:35 p.m.

ENFORCEMENT AUTHORITY MINUTES

February 26, 2010

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 26th day of February, 2010, at 1:15 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT: Nina Flannery

Louis Hemphill Richard Hilbert Chair Mary Francis

MEMBERS ABSENT: None

MEMBERS TARDY: Ty Hardiman

OTHERS PRESENT: Brenda Hall, City Clerk

Item 1. Roll Call. City Clerk Hall called the roll.

Item 2. Approval of minutes from the January 20, 2010, meeting. Member Hemphill moved that the minutes from the January 20, 2010, meeting be approved, which motion was 'duly seconded by Member Hilbert;

Items submitted for the record

1. Enforcement Authority Minutes from January 20, 2010

and the question being upon approving the minutes from the January 20, 2010, meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and

Chair Francis

NAYES: None

The Chair declared the motion carried and the minutes from the January 20, 2010, meeting were approved.

Item 3. Review of Candidates' Campaign Contributions and Expenditures Reports.

Members reviewed the Candidates' Campaign Contributions and Expenditures Reports for the following candidates and committees:

Friends of Cindy Rosenthal: Need occupations for Susan Herron, David Raeside, and Ben Southerland.

Committee to Elect Hal Ezzell Mayor: Need occupations for Brian Goodman, Jim Jones, and Barbara Jones and additional clarification of occupations for Don Cervi and Ben Newcomer.

Enforcement Authority Minutes February 26, 2010 Page 2

Item 3, continued:

Philip Daniel Quinn: Need additional clarification of occupations for Mickey Clagg and Ben Newcomer. Verify carryover amount - \$6,166.91 on state and \$6,216.91 on city.

A Lot of People for Stephen A. Lucas: Need additional clarification of occupation for Hunter Miller.

Leonard Youngblood: Need to show self loan to balance expenditure.

Griffith for Council: Need additional clarification on occupations for Steve Lindsay, Matthew M. Sterr, Joe Sterr, Gene McKown, and Thomas Russell. Split out self loan entries from other contributions.

Matt Zellner: Need to include dollar amount for in-kind contributions.

Carol 4 Ward 4 (Carol Dillingham): Do not need to include invoices for expenditures (attach spreadsheet).

Jack Dawson: Need occupation for Jeanette Coker.

Austin Dyches: No discrepancies found.

Thomas J. Kovach: Expenditures on City report does not balance expenditures on State report - \$18.20 less on City. Need to correct.

Citizens for Honest Government Committee: Need to verify whether committee coordinated with the Friends of Cindy Rosenthal Committee, if so, need to file as in-kind contribution on the Friends of Cindy Rosenthal report.

Dee and Arletta Fink: Need to verify whether committee coordinated with the Friends of Cindy Rosenthal Committee. If so, contribution is limited to \$1,000 – report is in excess of \$3,000. Spoke with Rebecca Adams, General Counsel with State Ethics Commission, who verified there are no limits for contributions and/or expenditures for independent committees; however, the expenditure must be truly independent and not coordinated with the candidate and/or candidate committee with whom the independent expenditure supports. Need to follow-up with Dee and Arletta Fink to determine whether there was coordination.

Items submitted for the record

- 1. City of Norman Campaign Contributions and Expenditures Report for Friends of Cindy Rosenthal filed February 26, 2010
- 2. C-1 State Campaign Contributions and Expenditures Report for Friends of Cindy Rosenthal filed February 19, 2010
- 3. City of Norman Campaign Contributions and Expenditures Report for Committee to Elect Hal Ezzell Mayor filed February 26, 2010
- 4. C-1 State Campaign Contributions and Expenditures Report for Committee to Elect Hal Ezzell Mayor filed February 19, 2010
- 5. City of Norman Campaign Contributions and Expenditures Report for Philip Daniel Quinn filed February 26, 2010
- 6. C-1 State Campaign Contributions and Expenditures Report for Philip Daniel Quinn filed February 19, 2010
- 7. City of Norman Campaign Contributions and Expenditures Report for A Lot of People for Stephen A. Lucas filed February 26, 2010
- 8. C-1 State Campaign Contributions and Expenditures Report for A Lot of People for Stephen A. Lucas filed February 19, 2010
- City of Norman Campaign Contributions and Expenditures Report for Leonard Youngblood filed February 26, 2010

Enforcement Authority Minutes February 26, 2010 Page 3

Items submitted for the record, continued

- 10. C-1 State Campaign Contributions and Expenditures Report for Leonard Youngblood filed February 19, 2010
- 11. City of Norman Campaign Contributions and Expenditures Report for Griffith for Council filed February 26, 2010
- 12. C-1 State Campaign Contributions and Expenditures Report for Griffith for Council filed February 19, 2010
- 13. City of Norman Campaign Contributions and Expenditures Report for Matt Zellner filed February 26, 2010
- 14. C-1 State Campaign Contributions and Expenditures Report for Matt Zellner filed February 19, 2010
- 15. City of Norman Campaign Contributions and Expenditures Report for Carol 4 Ward 4 filed February 26, 2010
- 16. C-1 State Campaign Contributions and Expenditures Report for Carol 4 Ward 4 filed February 19, 2010
- 17. City of Norman Campaign Contributions and Expenditures Report for Jack Dawson filed February 26, 2010
- 18. C-1 State Campaign Contributions and Expenditures Report for Jack Dawson filed February 19, 2010
- 19. City of Norman Campaign Contributions and Expenditures Report for Austin Dyches filed February 26, 2010
- 20. C-1 State Campaign Contributions and Expenditures Report for Austin Dyches filed February 22, 2010
- 21. City of Norman Campaign Contributions and Expenditures Report for Thomas K. Kovach filed February 24, 2010
- 22. C-1 State Campaign Contributions and Expenditures Report for Thomas K. Kovach filed February 19, 2010
- 23. City of Norman Campaign Contributions and Expenditures Report for Citizens for Honest Government filed February 19, 2010
- 24. C-1 State Campaign Contributions and Expenditures Report for Citizens for Honest Government filed February 19, 2010
- 25. City of Norman Campaign Contributions and Expenditures Report for Dee and Arletta Fink filed February 26, 2010
- 26. C-1 State Campaign Contributions and Expenditures Report for Dee and Arletta Fink filed February 26, 2010

Item 4. Review Complaint Template.

Members reviewed the draft complaint template and no changes were recommended.

Item 6. Miscellaneous Discussion. The next meeting is scheduled for Monday, March 1, 2010, at 1:00 p.m. to review supplemental campaign contributions and expenditures reports.

Enforcement Authority Minutes February 26, 2010 Page 4

Item 7. Adjournment.

NAYES:

Member Hemphill moved that the meeting be adjourned, which motion was duly seconded by Member Hilbert; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hardiman, Hemphill, Hilbert, and Chair Francis

None

The Chair declared the motion carried and the meeting was adjourned at 3:25 p.m.

ENFORCEMENT AUTHORITY MINUTES March 1, 2010

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 1st day of March, 2010, at 1:00 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT: Nina Flannery

Ty Hardiman Louis Hemphill Richard Hilbert Chair Mary Francis

MEMBERS ABSENT: None

OTHERS PRESENT: Brenda Hall, City Clerk

Jeff Bryant, City Attorney

Item 1. Roll Call. City Clerk Hall called the roll.

Item 2. Review of Supplemental Candidates' Campaign Contributions and Expenditures Reports.

Members reviewed the Candidates' Campaign Contributions and Expenditures Reports for the following candidates and committees:

Friends of Cindy Rosenthal: No discrepancies were found.

Griffith for Council: No discrepancies were found.

Carol 4 Ward 4 (Carol Dillingham): Need to increase self loan to balance with expenditures.

Items submitted for the record

- 1. City of Norman Campaign Contributions and Expenditures Report for Friends of Cindy Rosenthal filed March 1, 2010
- 2. City of Norman Campaign Contributions and Expenditures Report for Griffith for Council filed March 1, 2010
- 3. City of Norman Campaign Contributions and Expenditures Report for Carol 4 Ward 4 filed March 1, 2010
- 4. Registration from Citizens for a Better Porter Corridor filed February 25, 2010

Item 3. Discussion regarding discrepancies found with Campaign Contribution and Expenditure Report received and reviewed by the Enforcement Authority on Friday, February 26, 2010.

Chair Francis reported to the Members of the Enforcement Authority she spoke with representatives of the Citizens for Honest Government and Dee and Arletta Fink and has determined their expenditures were independent of the Friends of Cindy Rosenthal campaign.

Members reviewed a complaint filed against the Committee to Elect Hal Ezzell Mayor requesting disclosure of the \$46,273.92 self loan or contribution entry listed in Section D of the City Campaign Contributions and Expenditures Report. Members felt a letter should be sent to the Committee to Elect Hal Ezzell Mayor acknowledging the inquiry is to ensure compliance with State Ethics laws and Section 7.5-23 of the Code of the City of Norman.

Member Hardiman moved that a letter be sent to the Committee to Elect Hal Ezzell inquiring as to the source of the \$46,273.92 self contribution or loan entry, which motion was duly seconded by Member Hemphill; and the question being upon sending a letter to the Committee to Elect Hal Ezzell inquiring as to the source of the \$46,273.92 self contribution or loan entry, a vote was taken with the following result:

YEAS: Members Flannery, Hardiman, Hemphill, Hilbert, and Chair Francis

NAYES: None

The Chair declared the motion carried and a letter will be sent to the Committee to Elect Hal Ezzell inquiring as to the source of the \$46,273.92 self contribution or loan entry.

Item 6. Miscellaneous Discussion.

Members reviewed copies of flyers and post cards distributed by the Citizens Against the Porter Corridor, Citizens for a Better Porter Corridor Plan, Citizens for the Ethical Treatment of Taxpayers, Ward 4 for Austin Dyches Committee, Friends of Aaron Stiles, Cleveland County Republican Party, and International Association of Fire Fighters. The Citizens for the Ethical Treatment of Taxpayers and Ward 4 for Austin Dyches Committee were linked to Jeanette Coker who also was involved with the Citizens Against the Porter Corridor and Citizens for a Better Porter Corridor Plan. Members agreed a letter should be send to Jeanette Coker asking her to attend the next meeting on Monday, March 8, 2010, to answer questions about her involvement with the committees, and bring her records as referenced in Sec 7.5-27 (e) of the Code of the Cit of Norman, to wit: The Enforcement Authority may at any time demand and shall be furnished records of campaign contributions and expenses of a candidate or committee. In light of the Enforcement Authority's discovery of four (4) items with four different committee names attributed to Ms. Coker. Members also expressed concern over an earlier statement that Coker made to the City Clerk on Friday, February 26, 2010, in which she (Coker) maintained that she was not involved with any other committees other than the Citizens Against the Porter Corridor and Citizens for a Better Porter Corridor Plan and at that time, registered one committee. Ms. Coker explained to the City Clerk that this was a name change from Citizens Against the Porter Corridor.

The Friends of Aaron Stiles Committee, Cleveland County Republican Party, and International Association of Fire Fighters will be contacted and advised of the need to file City Campaign Contribution and Expenditure Reports for the Enforcement Authority to review at their next meeting.

Chair Francis asked Members to review Chapter 7.5 of the Code to determine if possible amendments are needed to the City's ordinances relative to City Council Elections.

Items submitted for record

- 1. Flyer entitled, "Two of a Kind" paid for by Citizens for the Ethical Treatment of Taxpayers
- 2. Flyer entitled, "Double Talk" paid for by Ward 4 for Austin Dyches Committee
- 3. Flyer entitled, "Don't Let Mayor Cindy Take Away Our Right to Vote" paid for by Friends of Aaron Stiles
- 4. Postcard entitled, "Enough is Enough: It's Time Our Voice Is Heard" submitted by Cleveland County Republican Party
- 5. Newspaper article entitled "A Public Safety Thank You..." paid for by Norman Professional Fire Fighters, Butch Crawford

Item 7. Adjournment.

Member Hardiman moved that the meeting be adjourned, which motion was duly seconded by Member Hemphill; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hardiman, Hemphill, Hilbert, and Chair Francis

NAYES: None

The Chair declared the motion carried and the meeting was adjourned at 2:50 p.m.

ENFORCEMENT AUTHORITY MINUTES

Monday, March 8, 2010

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 8th day of March, 2010, at 2:00 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT: Nina Flannery

Ty Hardiman Louis Hemphill Richard Hilbert Chair Mary Francis

MEMBERS ABSENT: None

OTHERS PRESENT:

Brenda Hall, City Clerk

Jeff Bryant, City Attorney

Item 1. Roll Call. City Clerk Hall called the roll.

Item 2. Approval of minutes from the February 26, 2010, and March 1, 2010, meetings. Chair Francis discussed possible amendments to the minutes to include additional items submitted for the record and a statement related to the discussion regarding Jeannette Coker attending the March 8, 2010, meeting. She felt it would provide a clearer summary of the discussion and assist with the current discussion.

Member Hilbert moved that the minutes of March 1, 2010, be amended to include as items submitted for the record, the Registration of Citizens for a Better Porter Corridor, filed February 26, 2010, and various flyers and postcards reviewed by the Members at the meeting on March 1, 2010, and miscellaneous discussion be amended to add a statement as follows:

Members reviewed copies of flyers and post cards distributed by the Citizens Against the Porter Corridor, Citizens for a Better Porter Corridor Plan, Members agreed a letter should be send to Jeanette Coker asking her to attend the next meeting on Monday, March 8, 2010, to answer questions about her involvement with the committees and bring her records as referenced in Sec 7.5-27 (e) of the Code of the Cit of Norman, to wit: The Enforcement Authority may at any time demand and shall be furnished records of campaign contributions and expenses of a candidate or committee. In light of the Enforcement Authority's discovery of four (4) items with four different committee names attributed to Ms. Coker. Members also expressed concern over an earlier statement that Coker made to the City Clerk on Friday, February 26, 2010, in which she (Coker) maintained that she was not involved with any other committees other than the Citizens Against the Porter Corridor and Citizens for a Better Porter Corridor Plan and at that time, registered one committee. Ms. Coker explained to the City Clerk that this was a name change from Citizens Against the Porter Corridor.

which motion was duly seconded by Member Hardiman;

Items submitted for the record

- 1. Enforcement Authority Minutes dated February 26, 2010
- 2. Enforcement Authority Minutes, dated March 1, 2010

Item 2, continued:

and the question being upon amending the minutes of March 1, 2010, as stated above, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert,

Hardiman, and Chair Francis

NAYES: None

The Chair declared the motion carried and the minutes of March 1, 2010, were amended as stated above.

Thereupon, Member Hilbert moved that the February 26, 2010, minutes and the March 1, 2010, as amended, minutes be approved, which motion was duly seconded by Member Hardiman; and the question being upon approving the February 26, 2010, minutes and the March 1, 2010, as amended, minutes, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert,

Hardiman, and Chair Francis

NAYES: None

The Chair declared the motion carried and the February 26, 2010, minutes and the March 1, 2010, as amended, minutes were approved.

Item 3. Discussion regarding Campaign Contributions and Expenditures Reports for the Ward 4 for Austin Dyches Committee and the Citizens for the Ethical Treatment of Taxpayers Committee.

Chair Francis said a certified letter was sent to Jeanette Coker requesting she attend today's meeting and bring Campaign and Expenditures Reports for Ward 4 for Austin Dyches Committee and the Citizens for the Ethical Treatment of Taxpayers Committee although she is not present. Chair Francis said she received a call from Ms. Coker on Sunday, February 28, 2010, stating she had a doctor appointment and would not be able to attend. Brenda Hall, City Clerk, stated Ms. Coker submitted the reports to her office in person, March 5, 2010, and she informed Ms. Coker at that time she still needed to attend Monday's meeting. Ms. Hall said Ms. Coker asked why she needed to attend the meeting if she submitted the requested forms and she informed her the Committee wanted to discuss the various Committees she (Ms. Coker) had worked with and the reporting requirements. Ms. Hall said she informed Ms. Coker unlike the State, the City does not have a \$500 threshold for reporting purposes, and a City report was required regardless of the amount of money spent. Ms. Hall asked Ms. Coker is she had receipts for her expenditures and she indicated she did not. Member Hardiman asked if Ms. Coker submitted a report from the original committee which merged into a second committee and Ms. Hall said Ms. Coker filed all requested reports with the exception of the Citizens Against Porter Corridor (CAPC) because when filing the Registration for Citizens for a Better Porter Corridor Plan, Ms. Coker indicated it was formerly the CAPC. Ms. Hall stated Ms. Coker previously stated the \$140.19 she had disclosed earlier was a combination of both of the Committee's printings.

Member Hemphill stated since Ms. Coker has submitted the required forms, was it necessary to have the receipts. He said the total amount spent between all Committees was \$220, which is relatively low and he was satisfied with Ms. Coker's reports. Chair Francis said her concern was that Ms. Coker was not forthcoming when she spoke to Ms. Hall, stating she only had only one committee but then the very next day she was putting out door hangers for another committee. Chair Francis said in light of that history \$1.20 the

records needed to be checked and said Ms. Coker could obtain receipts from Hooper Printing and Sooner Copy Center for the purchases made. Member Hardiman said it appeared Ms. Coker made multiple trips to have copies made and wondered how she knew the exact amounts she indicated on her reports without receipts.

Member Hardiman asked if there was a second committee for Austin Dyches that was operated by Mr. Dyches and reflected on his report. Ms. Hall said no, Mr. Dyches filed under his name only and had one expenditure for an ad ran in *The Norman Transcript*, and a another expenditure to the Cleveland County Election Board for the filing fee. Chair Francis said she spoke to Mr. and Ms. Dyches and they indicated they wanted to run his campaign without contributions. Mr. Dyches said Ms. Coker had approached him, offered him the flyers, and also offered to collect money for his campaign from various businesses. Mr. Dyches said he told Ms. Coker no, he did not want to collect contributions and run his campaign that way. Chair Francis said Ms. Dyches informed her they did not agree with some of the language on the flyers and would not have approved of them in the first place. Member Hardiman asked if Mr. Dyches would need to re-file his campaign reports to reflect these expenditures and Ms. Hall said no, because he was not involved in making the flyers and did not approve them.

Member Hardiman asked if Ms. Coker appeared to comprehend Norman Ordinances that regulate campaign activities and Ms. Hall said she believed Ms. Coker was working under the State requirement that you do not have to register committees or file reports until a threshold of \$500 is met; but Ms. Hall informed Ms. Coker there is no minimum dollar amount for the City of Norman and regardless of the amount spent, a report will need to be filed. Member Hemphill said if Ms. Coker were an actual candidate who had gone through orientation and was made aware of the various requirements of the City ordinances, he would not be as lenient. He said since citizens do not attend orientation, they are usually surprised when they are made aware of a particular requirement they should have followed. Chair Francis agreed that most citizens would not have any idea of how to comply unless they had attended orientation or read in the newspaper the requirements; however that is no excuse for Ms. Coker to not have told the truth to the City Clerk when asked if she was involved with any other Committees. Chair Francis felt the only reason to falsely deny any other committees would be because she knew she was suppose to file a contributions and expenditures reports; therefore; she would like to see her records.

Mr. Jeff Bryant, City Attorney, felt it is hard to speculate or guess the motivation of Ms. Coker without her in attendance today to explain her intentions and while Ms. Hall had the most interaction with Ms. Coker; it is probably difficult for her to know Ms. Coker's motives as well. He said citizens are encouraged to participate during elections and some of the citizens, not being candidates, will not know all the regulations. He felt this is a delicate balance. He said if the Committee, after looking at the reports submitted by Ms. Coker, still feels it is critical to hear Ms. Coker's explanation in order to complete their duties, he suggests weighing the situation carefully. He understood the Committee wanted honesty, but said we certainly do not want to discourage citizen participation.

Chair Francis said we have two options, request Ms. Coker come in and explain her intentions at a future meeting or request she try to obtain expense receipts from Hooper's Printing and Sooner Copy Center and submit them to the City Clerk.

Item 3, continued:

Member Hardiman moved that Ms. Coker be asked to provide expense receipts for the Citizens for the Ethical Treatment of Taxpayers and Citizens for a Better Porter Corridor Plan on or before April 5, 2010, which motion was duly seconded by Member Flannery; and the question being upon asking Ms. Coker to provide receipts for the Citizens for the Ethical Treatment of Taxpayers and Citizens for a Better Porter Corridor Plan on or before April 5, 2010, a vote was taken with the following result:

YEAS:

Members Flannery, Hemphill, Hilbert, Hardiman, and Chair Francis

NAYES:

None

The Chair declared the motion carried and Ms. Coker will be asked to provide receipts for the Citizens for the Ethical Treatment of Taxpayers and the Citizens for a Better Porter Corridor Plan on or before April 5, 2010.

Chair Francis said Ms. Coker also needs to make corrections to the expenditures and encumbrances on the Citizens for a Better Porter Corridor Plan report, listing the name of the printing company instead of her name.

Items submitted for the record

- 1. City of Norman Designation of Agent Form for Citizens for a Better Porter Corridor Plan filed March 5, 2010
- 2. City of Norman Campaign Contributions and Expenditures Report for Citizens for a Better Porter Corridor Plan filed March 5, 2010
- 3. City of Norman Designation of Agent Form for Citizens for the Ethical Treatment of Taxpayers filed March 5, 2010
- 4. City of Norman Campaign Contributions and Expenditures Report for Citizens for the Ethical Treatment of Taxpayers filed March 5, 2010
- 5. City of Norman Designation of Agent Form for Ward 4 for Austin Dyches Committee filed March 5, 2010
- 6. City of Norman Campaign Contributions and Expenditures for Ward 4 for Austin Dyches Committee filed March 5, 2010
- 7. Door hanger entitled, "Two of a Kind" paid for by Citizens for the Ethical Treatment of Taxpayers
- 8. Flyer entitled, "Double Talk" paid for by Ward 4 for Austin Dyches Committee

Item 4. Discussion regarding complaint filed against the City Campaign Contribution and Expenditure Report for the Committee to Elect Hal Ezzell.

Members reviewed a letter submitted by Hal Ezzell stating the \$42,273.92 listed in Section D of his City of Norman Campaign Contribution and Expenditure Report is a loan from himself to the Campaign Committee from his personal assets. Chair Francis said the letter also stated Mr. Ezzell fully intends to repay the loan, which will be reflected in future reports filed with the City Clerk's Office and the dollar amount listed in Section B was a scrivener's error and should have been left blank. Members agreed. Mr. Ezzell clarified whether the aggregate amount listed on the report in the amount of \$42,273.92 was a self contribution or loan as requested. Members requested the City Clerk send a follow-up letter to the complainant and include a copy of Mr. Ezzell's letter.

Item 4, continued:

Items submitted for the record

- 1. Certified Letter dated March 2, 2010 to Mr. Hal Ezzell, from Ms. Mary Francis, Enforcement Authority Chair
- 2. Letter dated March 8, 2010, to Ms. Mary Francis, Enforcement Authority Chair, C/O Brenda Hall, City Clerk, from Mr. Hal Ezzell
- 3. City of Norman Enforcement Authority Complaint Form dated February 26, 2010, submitted by Mr. Matthew Latham

Item 5. Review of Campaign Contributions and Expenditures Reports not previously reported.

Cleveland County Republican Party. No discrepancies were found.

Friends of Aaron Stiles. No discrepancies were found.

Chair Francis read an email she received from Bob Thompson, Chair of the Committee to Elect Hal Ezzell, containing dialogue between Aaron Stiles and Bob Thompson. In the email Mr. Stiles states he sent the flyer without any involvement of Hal Ezzell's campaign and since it was an independent expenditure he was not limited to the amount of money spent. Chair Francis said Mr. Thompson forwarded Mr. Stiles' email to her clarifying that Hal Ezzell's campaign was not involved with Mr. Stiles' postcard.

Norman Professional Fire Fighters. Ms. Hall said she spoke to Mr. Butch Crawford, who represents the Norman Professional Fire Fighters, earlier today and she expected to receive a report by 5:00 p.m. today. Chair Francis requested Ms. Hall email the Committee once she received the report.

Items submitted for record

- 1. City of Norman Campaign Contributions and Expenditures Report for Cleveland County Republican Party filed March 3, 2010
- 2. Postcard entitled, "Enough is Enough: It's time Our Voice Is Heard" distributed by the Cleveland County Republican Party
- 3. City of Norman Campaign Contributions and Expenditures Report for Friends of Aaron Stiles filed March 3, 2010
- 4. Postcard entitled, "Don't Let Mayor Cindy Take Away Our Right to Vote" paid for by Friends of Aaron Stiles
- 5. Email dated February 26, 2010, from Aaron Stiles for State Representative, to Bob Thompson, and email dated March 3, 2010, from Bob Thompson to Mary Francis
- 6. Newspaper article entitled, "A *Public Safety Thank You...*" paid for by Norman Professional Fire Fighters, Butch Crawford

Item 6. Miscellaneous Discussion.

Member Hardiman requested Ms. Hall keep the Committee informed on the Hal Ezzell complaint and Ms. Hall said she would email Members a draft of the letter she will send to the Hal Ezzell complainant. Chair Francis also requested Ms. Hall email any information, i.e., receipts and corrected reports submitted by Ms. Coker.

Chair Francis said the next meeting is scheduled for Monday, April 5, 2010, at 1:00 p.m. to review final campaign reports. Ms. Hall said final reports will need to be filed within thirty days of the final election, which would be March 31, 2010. Ms. Hall reminded the Committee they were required by ordinance to submit a report to Council within forty days of the election and in order to meet that deadline, it would need to be on the March 23, 2010, Council agenda. She requested the Committee have their final report to her by March 16, 2010, so she could have it printed in the March 23, 2010, Council agenda books and the Members agreed.

Item 7. Adjournment.

Member Hemphill moved that the meeting be adjourned, which motion was duly seconded by Member Hilbert; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, Hardiman, and Chairman Francis

NAYES: None

The Chair declared the motion carried and the meeting was adjourned at 3:30 p.m.

Final Report From the Enforcement Authority

City of Norman 2010 City Council elections - Wards 2, 4, 6, 8 and the Mayoral election July 14, 2010 Page one of five (two attachments)

Due to the discovery of seven non-compliant committees as reported by Enforcement Authority members and citizens as well as a large number of late reports, the Enforcement Authority held eight meetings during the 2010 election cycle, five of which were attended by the City Attorney. The City Clerk also spent an extended amount of city employee time working with the seven delinquent committees and several candidates in order to attain compliance. See the attached March 16 Enforcement Authority Report for a discussion of the complaints, non-compliant committees and late reports.

- January 13, 2010 to review filing of candidates, review materials for candidates
- January 20, 2010 to review Chap. 7.5 with candidates or designated agents
- February 26, 2010 to review Contribution and Expenditure reports
- March 1, 2010 to review Supplemental Reports & activity of 7 non-compliant committees
- March 8, 2010 to review late reports of non-compliant committees
- April 5, 2010 to review documentation of non-compliant committees & discuss two complaints,
- July 9, 2010 to review final reports, discuss one late report, one incomplete report, and recommendations for ordinance changes
- July 14, 2010 to review late report and incomplete report

See the attached ordinance and annotated ordinance that show two recommendations for changes to Chapter 7.5 of the City Code of Ordinances as drafted by City Attorney Jeff Bryant at the Enforcement Authority's request. The recommended addition to Article II, Sec. 7.5-22, Campaign statements filing, is taken directly from the State Ethics Commissions' rules on late fees with the exception of a Ten Dollar (\$10) fee substituted for the Twenty-five (\$25) Dollar fee as required by the State. In addition, a cap of One Hundred Dollars (\$100) was substituted for the State cap of Two Hundred Fifty Dollars (\$250.)

Respectfully submitted, Mary Francis, Chair Dr. Richard Hilbert, Member Louis Hemphill, Member Nina Flannery, Member Ty Hardiman, Member

ENFORCEMENT AUTHORITY MINUTES July 9, 2010

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 9th day of July, 2010, at 1:08 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Item 1. Roll Call. City Clerk Hall called the roll.

MEMBERS PRESENT: Nina Flannery

Louis Hemphill Richard Hilbert Chair Mary Francis

MEMBERS ABSENT: Ty Hardiman

OTHERS PRESENT:

Brenda Hall, City Clerk

Jeff Bryant, City Attorney

Item 2. Approval of minutes from the April 5, 2010, meeting. Member Hilbert moved that the minutes from the April 5, 2010, meeting be approved, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. Enforcement Authority Minutes from April 5, 2010

and the question being upon approving the minutes from the April 5, 2010, meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and

Chair Francis

NAYES: None

The Chair declared the motion carried and the minutes from the April 5, 2010, meeting were approved.

Item 3. Review of Candidates' Campaign Contributions and Expenditures Reports.

Members reviewed the Candidates' Campaign Contributions and Expenditures Reports for the following candidates and committees:

Friends of Cindy Rosenthal: No discrepancies were found.

Items submitted for the record

- 1. Amended State Campaign Contributions and Expenditures Report filed on April 30, 2010, for Friends of Cindy Rosenthal filed June 10, 2010
- State Campaign Contributions and Expenditures Report for Friends of Cindy Rosenthal filed June 10, 2010
- 3. City Campaign Contributions and Expenditures Report for Friends of Cindy Rosenthal filed June 10, 2010

Enforcement Authority Minutes July 9, 2010

Page 2

Item 3, continued:

Thomas J. Kovach: No discrepancies were found.

Items submitted for the record

1. State Campaign Contributions and Expenditures Report for Thomas J. Kovach filed May 4, 2010

Carol 4 Ward 4 (Carol Dillingham): No discrepancies were found.

Items submitted for the record

- 1. City Campaign Contributions and Expenditures Report for Carol 4 Ward 4 (Carol Dillingham) filed May 7, 2010
- 2. State Campaign Contributions and Expenditures Report for Carol 4 Ward 4 (Carol Dillingham) filed May 7, 2010

The State report for A Lot of People for Stephen A. Lucas was incomplete; therefore, Trustee Flannery moved that the final reports be tabled until the State report could be reconciled, which motion was duly seconded by Trustee Hemphill;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report for A Lot of People for Stephen A. Lucas filed June 10, 2010

and the question being upon tabling the final reports until the State report could be reconciled, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and

Chair Francis

NAYES: None

The Chair declared the motion carried and the final reports were tabled until the State report could be reconciled.

The State report for Committee to Elect Hal Ezzell had not been filed; therefore, Trustee Hilbert moved that the final reports be tabled until the State report is filed, which motion was duly seconded by Trustee Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report for Committee to Elect Hal Ezzell filed June 11, 2010

and the question being upon tabling the final reports until the State report is filed, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and

Chair Francis

NAYES: None

The Chair declared the motion carried and the final reports were tabled until the State report was filed.

Enforcement Authority Minutes July 9, 2010 Page 3

Item 4. Discussion regarding possible amendments to Chapter 7.5, Elections.

Chair Francis said the committee previously discussed extending the time for submission of a candidate's final report. Candidates had expressed concern about the current requirement of filing their final report within 30 days following the final election was not enough time to reconcile all expenditures and contributions received subsequent to the election. The Committee discussed various timeframes including coinciding with the filing dates for the State report.

Member Hemphill moved that a recommendation be forwarded to City Council to amend Chapter 7.5-22 to increase the time for filing the final campaign statement from 30 days to 40 days subsequent to the final election, which motion was duly seconded by Member Flannery; and the question being upon forwarding a recommendation to City Council to amend Chapter 7.5-22 to increase the time for filing the final campaign statement from 30 days to 40 days subsequent to the final election, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and Chair Francis

NAYES: None

The Chair declared the motion carried and a recommendation will be forwarded to City Council to amend Chapter 7.5-22 to increase the time for filing the final campaign statement from 30 days to 40 days subsequent to the final election.

this year's election cycle several committees participated by

Chair Mary Francis said during this year's election cycle several committees participated by supporting and/or opposing candidates and staff spent many hours contacting and working with the various committees to ensure the required reports were filed. The Committee discussed the penalties provision in the current ordinance, but recognized the only time penalties could be assessed was if a person was convicted of a violation by the Municipal Court Judge. The Committee discussed the pros and cons of implementing late fees but felt ultimately, it would encourage timely compliance with the City's ordinances. The State imposes a late fee of \$25 per day up to \$250 per report.

Chair Mary Francis moved that a recommendation be forwarded to City Council to amend Chapter 7.5 to impose a late fee of \$10 per day up to \$100 per report for filing Campaign Contribution and Expenditure Reports, which motion was duly seconded by Member Hemphill; and the question being upon forwarding a recommendation to City Council to amend Chapter 7.5 to impose a late fee of \$10 per day up to \$100 per report for filing Campaign Contribution and Expenditure Reports, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and Chair Francis

NAYES: None

The Chair declared the motion carried and a recommendation will be forwarded to City Council to amend Chapter 7.5 to impose a late fee of \$10 per day up to \$100 per report for filing Campaign Contribution and Expenditure Reports.

If the amendments are approved by Council, strong efforts will be made during the orientation session to educate the candidates of the new requirements. Member Hilbert said he strongly supports imposing late fees for candidates since they participate in the orientation session, but felt the Committee should work to educate the public and political action committees on the requirements for participating in local Council elections. He

Enforcement Authority Minutes July 9, 2010 Page 4

Item 4, continued:

suggested amending the ordinance to require the education efforts to ensure future Enforcement Authority members will continue the educational efforts.

Member Hilbert moved that a recommendation be forwarded to City Council to amend Chapter 7.5-26, Duties of the Enforcement Authority, to add the following language:

The Authority shall make an effort to inform the public about the importance of reporting all contribution and expenditures by candidates for local offices as well as the political action committees (PACs) involved in a given campaign.

which motion was duly seconded by Member Flannery; and the question being upon forwarding a recommendation to City Council to amend Chapter 7.5-26, Duties of the Enforcement Authority, to add language as stated above, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and

Chair Francis

NAYES: None

The Chair declared the motion carried and a recommendation will be forwarded to City Council to amend Chapter 7.5-26, Duties of the Enforcement Authority, to add language as stated above.

Item 5. Discuss Final General Report to be submitted to City Council on July 27, 2010. Members discussed the final report to be submitted to City Council. Chair Mary Francis said she would prepare a rough draft for the Committee's review and input at the next meeting and add final comments relative to the reports for Stephen A. Lucas and Hal Ezzell after review of their final reports at the next meeting.

Item 6. Miscellaneous Discussion. The next meeting will be held on Wednesday, July 14, 2010, at 5:15 p.m.

Item 7. Adjournment.

Member Hemphill moved that the meeting be adjourned, which motion was duly seconded by Member Flannery; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hemphill, Hilbert, and Chair Francis

NAYES: None

The Chair declared the motion carried and the meeting was adjourned at 2:15 p.m.

ENFORCEMENT AUTHORITY MINUTES July 14, 2010

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 14th day of July, 2010, at 5:25 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Item 1. Roll Call. City Clerk Hall called the roll.

MEMBERS PRESENT: Nina Flannery

Ty Hardiman Louis Hemphill Richard Hilbert Chair Mary Francis

MEMBERS ABSENT: None

OTHERS PRESENT:

Brenda Hall, City Clerk

Jeff Bryant, City Attorney

Item 2. Approval of minutes from the July 9, 2010, meeting. Member Hemphill moved that the minutes from the July 9, 2010, meeting be approved, which motion was duly seconded by Member Hilbert;

Items submitted for the record

1. Enforcement Authority Minutes from July 9, 2010

and the question being upon approving the minutes from the July 9, 2010, meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hardiman, Hemphill,

Hilbert, and Chair Francis.

NAYES: None

The Chair declared the motion carried and the minutes from the July 9, 2010, meeting were approved.

Item 3. Review of Candidates' Campaign Contributions and Expenditures Reports Stephen Lucas and Hal Ezzell.

Members reviewed the Candidates' Campaign Contributions and Expenditures Reports for the following candidates:

A Lot of People for Stephen A. Lucas – No discrepancies were found.

Items submitted for the record

- 1. State Campaign Contributions and Expenditures Report for A Lot of People for Stephen A. Lucas filed June 10, 2010
- 2. City Campaign Contributions and Expenditures Report for A Lot of People for Stephen A. Lucas filed July 9, 2010

Enforcement Authority Minutes July 14, 2010 Page 2

Item 3, continued:

Committee to Elect Hal Ezzell Mayor: No discrepancies were found.

Items submitted for the record

- 1. State Campaign Contributions and Expenditures Report for Committee to Elect Hal Ezzell Mayor filed July 13, 2010
- 2. City Campaign Contributions and Expenditures Report for Committee to Elect Hal Ezzell Mayor filed June 11, 2010

Item 4. Discussion regarding possible amendments to Chapter 7.5, Elections.

Committee members reviewed a draft ordinance with proposed amendments previously discussed in the Enforcement Authority meeting of July 9, 2010. The draft ordinance proposes to extend the time for submission of a candidate's final report from 30 days to 40 days subsequent to the final election, imposes a late fee of \$10 per day up to \$100 per report for filing Campaign Contribution and Expenditure Reports, and adds language to the Enforcement Authority's duties to make an effort to inform the public about the importance of reporting all contribution and expenditures by candidates for local offices as well as the political action committees (PACs) involved in a given campaign.

Member Hardiman moved that the draft ordinance to amend Chapter 7.5 be forwarded to City Council with a recommendation for approval, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. Draft Ordinance No. O-1011-4

and the question being upon forwarding the draft ordinance to amend Chapter 7.5 to City Council with a recommendation for approval, a vote was taken with the following result:

YEAS:

Members Flannery, Hardiman, Hemphill,

Hilbert, and Chair Francis

NAYES:

None

The Chair declared the motion carried and the draft ordinance to amend Chapter 7.5 will be forwarded to City Council with a recommendation for approval.

Item 5. Discuss Final General Report to be submitted to City Council on July 27, 2010. Chair Mary Francis highlighted a draft final report and told the Committee she would add information relative to today's meeting and distribute to the Committee for their input prior to submitting it to the City Clerk's Office to be scheduled on Council's agenda for July 27, 2010.

Item 6. Miscellaneous Discussion. None.

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Item 7. Adjournment.

Member Flannery moved that the meeting be adjourned, which motion was duly seconded by Member Hardiman; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS: Members Flannery, Hardiman, Hemphill,

Hilbert, and Chair Francis

NAYES: None

The Chair declared the motion carried and the meeting was adjourned at 5:55 p.m.

City Council Oversight Committee Minutes September 1, 2010 Page 1

Councilmember Griffith said the ordinance requires dumpsters to have a set back of 20 feet from the property line that abuts the single family zone and asked why Staff chose 20 feet instead of 50 feet like the City of Ardmore. Mr. Komiske said commercial sites do not have a lot of room for placement and Staff did not want to create problems for those businesses. Councilmember Griffith said he thought it would be harder to retrofit due to space limitations. Ms. Connors said retro fits will be harder because this ordinance is geared for new developments and set backs for houses in older neighborhoods are five feet. She said Staff should look at those issues before bring the ordinance forward and Chairman Dillingham agreed, but felt there will be more problems in the core area with more than 20 feet.

Chairman Dillingham suggested Staff review Chapter 10 – Public Nuisance to include problems with odors, insects, and rodents for dumpsters. She asked Staff to bring it back to the Committee on October 13, 2010.

The Committee also discussed problems with vehicles blocking polycarts and suggested placing notices on the vehicles cautioning them to not block polycarts. Mr. Scottie Williams, Utilities Superintendent, said, currently, drivers get out of their trucks to move the polycart so it can be emptied and place a correction notice on the polycart. He said if it happens again, the driver's are instructed not to empty the polycart. He said the citizen will contact sanitation when the polycart is not emptied and sanitation will work with the citizen to resolve future issues, but it is a problem. Mr. Steve Lewis, City Manager, said Staff can do more research, but at this time there is no ordinance for blocking polycarts. Councilmember Kovach suggested creating an education piece on why you should not park in front of polycarts as well as placing a courteous notice on the vehicles to raise awareness.

Items submitted for the record

- 1. Memorandum dated August 24, 2010, from Susan Connors, Director of Planning and Community Development, and Ken Komiske, Director of Utilities, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
- 2. Memorandum dated September 1, 2010, from Linda Price, Revitalization Manager, to City Council Oversight Committee
- 3. Draft ordinance

DISCUSSION REGARDING ENFORCEMENT AUTHORITY RECOMMENDATIONS FOR PROPOSED CHANGES TO CHAPTER 7.5 – ELECTIONS.

Ms. Mary Francis, Enforcement Authority Chair, said, during the past year's election season, the Enforcement Authority was overwhelmed with non-compliant committees that did not report voluntarily, but were "discovered" by Staff or Authority members. She said this took an inordinate amount of City Staff time and there was no ordinance to remediate or deter the non-compliant committees. She said the State has a mechanism to deter non-compliance with a fine for those turning in late reports. The Authority is recommending an ordinance amendment that would add an additional duty for the Enforcement Authority to make an effort to inform the public about the importance of reporting all contributions and expenditures by candidates for local offices as well as the political action committees involved in any given campaign.

Ms. Francis said the Authority is also recommending the number of days in which the final City report can be submitted from 30 days to 40 days, which would match the final State report deadline.

Chairman Dillingham said she is really interested in the idea of the Authority driving some of the public education and felt they would be more effective than Staff. She asked how they envisioned this working and Ms. Francis said it would depend on the media and the City or Authority could be more conscious of alerting the editors or reporters concerning the past problems. Councilmember Kovach suggested the

City Council Oversight Committee Minutes September 1, 2010 Page 3

League of Women Voters could conduct a forum to get information out to candidates prior to filing for office. Ms. Brenda Hall, City Clerk, said the Chamber of Commerce does that now and she has participated in those events in the past. She said the events work well for those that attend and are a good tool for educational purposes. She said the Authority's overall goal is compliance for the committees and not necessarily penalizing. She said Dr. Hilbert is planning to write much of the educational material and start a program of education ahead of filing for office through press releases and placing information on Channel 20, especially for Committee groups as they are the ones that fall through the cracks. She said the Enforcement Authority Committee holds an orientation session for those that have filed so they are more aware of report filing requirements. Councilmember Kovach suggested putting information on the City website and Chairman Dillingham suggested creating a small informational handout that could be downloaded.

Chairman Dillingham asked that education also include regulations on political signs. Councilmember Kovach suggested political sign enforcement and signs placed in the rights-of-way (ROW) have proactive code enforcement. Chairman Dillingham said that is already being done by the Code Enforcement Division. Mr. Lewis said Code Enforcement particularly targets signs at major intersections and arterial roads.

Chairman Dillingham said language changes to the ordinance should go forward to Council and asked the Authority to present their ideas on education in the November 3rd Council Oversight Committee meeting. She suggested contacting newspapers and radio stations early in the election season and contacting the University of Oklahoma (OU) newspaper and radio station, whom she felt would be an excellent education tool.

Items submitted for the record

- 1. Final Report from the Enforcement Authority including Draft Ordinance No. O-1011-4 and Legislatively Notated Draft Ordinance No. O-1011-4
- 2. Enforcement Authority minutes of January 13, 2010; January 20, 2010; February 26, 2010; March 1, 2010; March 8, 2010; April 5, 2010; July 9, 2010; and July 14, 2010

DISCUSSION REGARDING REGULATIONS FOR SIGNS AND BANNERS PLACED IN CITY RIGHTS-OF-WAY.

Ms. Hall said Mr. Rainey Powell who owns property on Campus Corner is requesting a limited license to place a banner across Asp Street. She said the City allowed street banners many years ago on Main Street; however, there were problems with the banners falling and issues of traffic safety. Council chose to no longer allow banners across a street. Ms. Hall said Mr. Powell proposes to anchor the banner to the buildings with pulley system brackets to bear the wind load and be more secure. Mr. Powell's proposal includes leaving the banner up from the first of September through December without taking it down after every OU football home game as he has done in prior years. She said Staff is asking the Oversight Committee to review the regulations and recommend whether or not Council wants to consider permitting banners over a street and suggestions for regulating.

Ms. Messner said public streets in Norman are classified as public forums and speakers using city streets have the highest level of First Amendment protection; however, the City has the option to regulate "time, place, and manner" of banners over ROW. The limited license process fits those regulations because they regulate when the banner could be displayed, the manner of display, and the location of display so Council could deny the placement of banners over City streets without denying First Amendment Rights. Ms. Messner said a solution proposed by the Legal Department in 1996, was to allow all speakers to display properly permitted banners across a street or allow no speakers to display banners and recommended to Council that no banners be allowed across City streets.



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 7

File Number: O-1011-06

Introduced: 9/16/2010 by Kathryn Walker, Asst. City Attorney, II

Version: 2

Current Status: Consent Item

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-6 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXI OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN ESTABLISHING THE PROCEDURES AND POWERS OF THE GREENBELT COMMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION IN THE EXERCISE OF THOSE POWERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-6 upon First Reading by Title.

ACTION TAKEN:	
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Body

BACKGROUND: Sections 4-2021 through 4-2025 were added to the Norman Code in May 2004 following the culmination of the work of the Greenbelt Task Force in the Green Dreams Report. The original language called for the establishment of a Greenbelt Commission with the purpose of promoting and protecting the public health, safety and general welfare by creating a mechanism for providing a Greenbelt System, which will include preserved open spaces, protected natural areas and greenways/trails in a system of land parcels that together will work to help maintain and preserve the beauty and livability of the City. (Section 4-2021).

The duties of the Greenbelt Commission in the original Ordinance were among other things, to propose an Ordinance that would establish a Greenbelt System of open spaces, greenways and trail systems, as well as dictate the contents, duties and responsibilities for the submission of Greenbelt Enhancement Statements. (Section 4-2023(1)). The Commission began working on such an Ordinance more than two years ago. The culmination of the Commission's work was presented to the Planning and Community Development Committee several times this recent Spring and the full Council during a Study Session on August 17, 2010. The ordinance comes to Council for review after a final meeting of the Planning and Community Development Committee on September 10, 2010.

<u>DISCUSSION</u>: The proposed Ordinance amends several existing sections in Chapter 4 of the Code and also adds five new sections. Section 4-2022 contains an amendment requiring the Commission to meet "as may be required in furtherance of their duties" so that a meeting is required only when there are developments to review. Section 4-2023 contains

an amendment clarifying the duty of the commission to propose an Ordinance defining (rather than establishing) a Greenbelt System and requiring all applications for a Land Use Plan amendment, a Norman Rural Certificate of Survey or a Preliminary Plat to submit a Greenbelt Enhancement Statement articulating how the subject development meets the goals and objectives of the Greenbelt System plan. This language will exclude from Commission review short form plats and zoning changes that do not require an accompanying plat. Section 4-2025 is proposed to be amended to state that City Council has the right to review all acts and *recommendations* by the Commission. This language change from "decisions" to "recommendations" was requested during the recent Study Session in recognition that the Commission is in fact, a recommendatory body.

Section 4-2023A is proposed to be added to the existing code provisions. This section provides definitions to assist in interpreting the remainder of the Ordinance. The term "Green Space" has been added in place of "Open Space". The Commission had originally submitted a definition of "open space" but the PCDC feedback was to change the terminology to "green space" to avoid conflicts with the multiple references to open space in the Zoning Ordinance.

Section 4-2026 adds specific principles, goals and purposes to guide both development applications and the Commission in the furtherance of their duties. These include the goals that were adopted from the Greenway Master Plan in November 2009 as well as the goals articulated in the Norman 2025 Land Use and Transportation Plan.

Section 4-2027 is proposed to be added to establish the requirement of submission of a Greenbelt Enhancement Statement with applications for Pre-Development meetings regarding proposed Land Use Plan Amendments, Rural Certificate of Surveys and preliminary platting. After considerable discussion amongst the PCDC members, this section was revised to provide for an "administrative bypass" in recognition that some development applications may not present an opportunity for greenbelt activity and therefore should not be required to submit to review by the Greenbelt Commission. If the applicant indicates on the Greenbelt Enhancement Statement form that the opportunity for greenbelt development does not exist, or if the details of the application support such a finding, the Planning Director or his or her designee may issue a Finding of No Greenbelt Opportunity. Applications that result in such a finding would be presented to the GBC in a consent docket format. If a Commissioner believed Staff's decision to be in error, he or she could remove the item from the Consent Docket and it would be reviewed by the Commission as any other development before the Commission would be reviewed. The ordinance provides that developments with opportunities for greenbelt development would be reviewed once upon application for a Pre-Development meeting and again upon application for Planning Commission review if substantial changes exist from the plans reviewed by the Commission at the Pre-Development stage. This process is intended to allow the Commission to review developments before large amounts of money are spent by the applicant on the development plan and without extending the development timeline.

Section 4-2028 is proposed to be added to provide guidelines by which the Commission would review Greenbelt Enhancement Statement submissions. These are not intended to regulate how property is developed; rather, the guidelines serve to inform the Commission's comments about a proposed development.

Finally, Section 4-2029 is proposed to be added to require that all easements acquired by the City for expanding or enhancing the Greenbelt System be acquired in accordance with the guidelines and policies of this Ordinance and the subdivision regulations.

STAFF RECOMMENDATION: Ordinance No. O-1011-6 comes before Council after extensive review and input from both the Greenbelt Commission and the Planning and Community Development Committee. Based on the above and foregoing, it is Staff's recommendation that Council approve the ordinance upon second reading.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXI OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN ESTABLISHING THE PROCEDURES AND POWERS OF THE GREENBELT COMMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION IN THE EXERCISE OF THOSE POWERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 4-2022 of Chapter 4 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 4-2022. Authority.

There is hereby created and established the Greenbelt Commission for the City of Norman. The Norman Greenbelt Commission shall consist of a total of nine (9) members, one (1) from each ward and one (1) at-large. The members shall be appointed by the Mayor, with approval of the City Council, based upon their interests or expertise regarding open-space preservation. All members shall serve without compensation and may be removed by the City Council as provided in the Code of Ordinances. City staff and administrative guidance shall be provided to the Greenbelt Commission by the Department of Planning and Community Development, with assistance from the City Forester and other Departments, as necessary. The implementation of the activities associated with this article shall be dependent upon the City Council's ability to provide funds on an annualized basis.

- (1) Term of office. The term of the nine (9) persons to be appointed by the Mayor shall be three (3) years, except that the term of three (3) of the members appointed to the first board shall be for only one (1) year and the term of three (3) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term.
- (2) Quorum and operation.
 - (a) Quorum. At any meeting of the Greenbelt Commission, a quorum shall consist of five (5) of the appointed members. No action shall be taken in the absence of a quorum. Five (5) affirmative votes shall be required to pass any measure.

- (b) *Meeting*. The Greenbelt Commission shall meet as required in the furtherance of its duties set forth herein.
- § 2. That Section 4-2023 of Chapter 4 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 4-2023. Duties and powers of the Greenbelt Commission.

The Greenbelt Commission shall advise the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trail way systems in the City of Norman, and pursuant thereto:

(1) Propose an ordinance defining the Greenbelt System of green spaces, greenways and trail systems, including, without limitation, the contents of the Greenbelt Enhancement Statement and the duties and responsibilities for submission of such Greenbelt Enhancement Statements, in accordance with the recommendations of the Greenbelt Task Force. Upon the adoption of an ordinance defining the Greenbelt System and the requirement for a Greenbelt Enhancement Statement, all applications for a Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement that articulates how the goals and objectives of Norman's Greenbelt System plan are met by the proposed development; provided, however, that nothing herein shall require dedication of private property for public access.

* * *

§ 3. That Section 4-2023A of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 4-2023A. Definitions. The plain and ordinary meaning shall be applied to the terms contained herein; however, as used in this chapter, unless the context otherwise requires, the following words or phrases have the meanings listed:

- a) Bikeway: a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.
- b) Cluster Development: as defined by the City of Norman Code in Section 19-210, as may be amended from time to time.
- c) Conservation Easement: a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

- d) Floodplain: as defined by the City of Norman Code in Section 22:429.1.2 as may be amended from time to time.
- e) Flowage easement: an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1064.5 sea level datum.
- f) Greenbelt Enhancement Statement (GES): a statement on a form provided to the applicant by the City Planning and Community Development Department that is to be included with all applications for a Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the principles, purposes and goals of The Greenbelt System are met by the proposed development.
- g) The Greenbelt System: includes the following spaces, regardless of whether they are open to the public:
 - 1. A system of trails (both on and off road) intended to connect parks, green spaces, schools, retail, employment, and residential areas.
 - 2. Areas of land within the City Limits required to be open space by zoning; areas currently designated for open space, park, floodplain, and institutional use by the Norman 2025 Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) "take-line" and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as green space.
- h) Green Space: any land area designated as open space by Norman's Comprehensive Land Use Plan; land determined to be open space or green space on an approved site development plan; or any land area in which the preservation in its present use would conserve and enhance natural or scenic resource, protect streams or water supply, promote conservation of soils, wetlands or marshlands, enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries or other open space or green space, enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas, preserve visual quality along highway, road, and street corridors or scenic vistas, or retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.
- i) Greenway:
 - 1. A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a

stream valley, a ridgeline, a railroad right of way, a channel, a scenic road or other route; and/or

- 2. A trail; and/or
- 3. An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.
- j) Impervious Surface: one that does not permit penetration or passage of water, such as a roof or paved street or parking area.
- k) Riparian Buffers: the area between developed land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.
- 1) Structure: as defined by the City of Norman Code in Section 22:450 of the Zoning Ordinance, as may be amended from time to time.
- m) Take Line: exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.
- n) Trail: any natural or landscaped course open to pedestrian or bicycle passage, including but not limited to sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use. Types of trails include:
 - 1. Community Wide (Regional or Arterial) Trails: trails between 10' and 12' in width that provide access from one part of the city to another.
 - 2. Neighborhood Trails: trails between 6' and 10' in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.
 - 3. Natural Trails: trails at least 8'-10' in width composed of compacted earth.
 - 4. Parkway Trails: trails between 6' and 8' in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.
 - 5. Sidewalk Trails: sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.
 - 6. Specialized Trails: water trails, equestrian trails, bikeways, or other trails dedicated to some specific use not otherwise listed herein.
- § 4. That Section 4-2025 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

Sec. 4-2025. Review by the City Council.

The City Council shall have the right to review all acts and recommendations of the Greenbelt Commission.

§ 5. That Section 4-2026 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 4-2026. Specific Principles, Purposes and Goals of the Greenbelt System. A Greenbelt System, as defined herein, serves the following principles, purposes and goals of the City of Norman.

- (a) Proposed additions to the Greenbelt System should be guided by the following principles:
 - 1. The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of Norman.
 - 2. The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.
 - 3. Trail segments should be designed so that they convey the physical and historical character of the City of Norman and relate to the neighborhoods through which the trail corridors pass.
 - 4. Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of Norman.
 - 5. Trails should promote smooth walkable corridors that are open and visible.
 - 6. The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.
 - 7. The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.
 - 8. Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.
- (b) The use of lot clustering should be encouraged as a means to develop the greenbelt system.
- (c) The greenbelt system should be used to link together existing recreation areas.
- (d) Multi-purpose greenways should be created that:
 - 1. Create a unique greenway character for Norman;
 - 2. Protect the environmentally sensitive areas of the City and serve as a wildlife habitat;
 - 3. Serve as a stormwater management resource for urban run-off and regional detention needs;
 - 4. Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting

- to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;
- 5. Preserve agriculturally significant lands thru conservation easements or other means; and
- 6. Provide suitable locations for sanitary sewer easements and facilities.
- (e) Greenbelts should be used to provide green space areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.
- (f) The Greenbelt System should continue to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.
- § 6. That Section 4-2027 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 4-2027. Greenbelt Enhancement Statements.

- (a) Submission. All applications for a Pre-Development meeting regarding a proposed Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement.
- (b) Content. Greenbelt Enhancement Statements shall articulate how the principles, purposes and goals of this ordinance are met by the proposed development and its amenities. Applicants shall also provide supporting drawings, illustrations, and other documents designed to assist the Greenbelt Commission in determining how the goals, principles, and policies herein are met by the development.

(c) Review.

1. Staff Review: The Planning Director or designee shall perform an initial review of the Greenbelt Enhancement Statement. If the application indicates that an opportunity for greenbelt development does not exist and the details of the application support such a finding, then the Planning Director or designee may issue a finding of No Greenbelt Opportunity. Such a finding shall be based on factors unique to the subject parcel, such as when the application involves redevelopment of an already fully developed site, rezoning of property that does not involve new construction, or the existing plat requirements are such that development options are restricted. If a Finding of No Greenbelt Opportunity is made, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item as outlined in subsection (2)(a)

below. If a request for a Finding of No Greenbelt Opportunity is denied, a completed Greenbelt Enhancement Statement shall be forwarded to the Greenbelt Commission for consideration as set forth below.

2. Initial Review by Greenbelt Commission:

- a. Findings of No Greenbelt Opportunity. If such a finding is made by the Planning Director or designee, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item to allow the Commission to determine whether it agrees with Staff's finding of No Greenbelt Opportunity. If a Commission member disagrees with Staff's finding of No Greenbelt Opportunity, said member may request that the item be removed from the consent docket and the item will be reviewed in the same manner as other applications. If the Commission agrees with Staff's finding of No Greenbelt Opportunity, the subject application will bypass further review by the Commission and be forwarded on to the Planning Commission as provided for in the City Code.
- b. Other Applications. All other applications for which a Greenbelt Enhancement Statement is completed shall be considered by the Greenbelt Commission for an initial review when application is made for a Pre-Development meeting and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the Greenbelt system through reference to specific principles, purposes and goals set forth herein.
- 3. Subsequent Review by Greenbelt Commission. Should it be determined that a greenbelt opportunity exists for a particular application and if the application has substantially changed (as determined by Planning and Community Development staff) since it was originally considered by the Greenbelt Commission, the Greenbelt Enhancement Statement shall be reviewed by the Greenbelt Commission at one of its regularly scheduled meetings after application is made to the Planning Commission and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant with the Planning Commission packet. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not

meet the goals of the Greenbelt system through reference to specific principles, purposes and goals set forth herein.

- § 7. That Section 4-2028 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:
 - Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements. In performing its duties, the Greenbelt Commission shall take into account the considerations listed below. Not all considerations will be applicable or feasible for each application.
 - (a) Portions of the Greenbelt System are accessible to the general public.
 - (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.
 - (c) Existing easements (e.g. utility, pipeline, oil lease right of way, etc) may be used for Greenways where appropriate and where expressly approved by the easement grantor and grantee.
 - (d) Greenways connect neighborhoods to each other and to industrial and commercial areas.
 - (e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.
 - (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.
 - (g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.
 - (h) Landscaping required by the City has been planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.
 - (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.
 - (j) Permeable ground surfaces have been preserved to the extent possible.
 - (k) Ingress and egress to and from a development is designed to permit safe use by non-motorized traffic in and out of the development and across the ingress and egress provisions of the development.
 - (l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under Norman City Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.
 - (m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.

- (n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.
- (o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.
- (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
- (q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.
- (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- (s) Riparian buffers are incorporated into the Greenbelt System.
- (t) The commercial developments have provided for pedestrian access.
- (u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under the Zoning Ordinance of the City of Norman and the City Engineering Design Criteria.
- (v) Cluster development has been utilized as a means to develop the Greenbelt System.
- (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.
- § 8. That Section 4-2029 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:
 - Sec. 4-2029. Policy for Acquiring Greenways, Trails, and other Green Space. Easements accepted, purchased, or otherwise acquired by the City for the purposes of expanding or enhancing the Greenbelt System shall be acquired in accordance with the guidelines and policies contained herein and in the City of Norman Subdivision Regulations as may be amended from time to time.
- § 9. **SEVERABILITY**. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this day of, 2010.	NOT ADOPTED this day of, 2010.
Cindy Rosenthal, Mayor	Cindy Rosenthal, Mayor
ATTEST:	
Brenda Hall, City Clerk	

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXI OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN ESTABLISHING THE PROCEDURES AND POWERS OF THE GREENBELT COMMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION IN THE EXERCISE OF THOSE POWERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 4-2022 of Chapter 4 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 4-2022. Authority.

There is hereby created and established the Greenbelt Commission for the City of Norman. The Norman Greenbelt Commission shall consist of a total of nine (9) members, one (1) from each ward and one (1) at-large. The members shall be appointed by the Mayor, with approval of the City Council, based upon their interests or expertise regarding open-space preservation. All members shall serve without compensation and may be removed by the City Council as provided in the Code of Ordinances. City staff and administrative guidance shall be provided to the Greenbelt Commission by the Department of Planning and Community Development, with assistance from the City Forester and other Departments, as necessary. The implementation of the activities associated with this article shall be dependent upon the City Council's ability to provide funds on an annualized basis.

- (1) Term of office. The term of the nine (9) persons to be appointed by the Mayor shall be three (3) years, except that the term of three (3) of the members appointed to the first board shall be for only one (1) year and the term of three (3) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term.
- (2) Quorum and operation.
 - (a) Quorum. At any meeting of the Greenbelt Commission, a quorum shall consist of five (5) of the appointed members. No action shall be taken in the absence of a quorum. Five (5) affirmative votes shall be required to pass any measure.

- (b) Meeting. The Greenbelt Commission shall meet—at—least—once—a month.as required in the furtherance of its duties set forth herein.
- § 2. That Section 4-2023 of Chapter 4 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 4-2023. Duties and powers of the Greenbelt Commission.

The Greenbelt Commission shall advise the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trail way systems in the City of Norman, and pursuant thereto:

(1) Propose an ordinance establishing defining the Greenbelt System of green spaces, greenways and trail systems, including, without limitation, the contents of the Greenbelt Enhancement Statement and the duties and responsibilities for submission of such Greenbelt Enhancement Statements, in accordance with the recommendations of the Greenbelt Task Force. Upon the adoption of an ordinance establishing a defining the Greenbelt System and the requirement for a Greenbelt Enhancement Statement, all applications for a Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting or any subdivision of land in the City shall include a Greenbelt Enhancement Statement that articulates how the goals and objectives of Norman's Greenbelt System plan are met by the proposed development; provided, however, that nothing herein shall require dedication of private property for public access.

§ 3. That Section 4-2023A of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 4-2023A. Definitions. The plain and ordinary meaning shall be applied to the terms contained herein; however, as used in this chapter, unless the context otherwise requires, the following words or phrases have the meanings listed:

- a) Bikeway: a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.
- b) Cluster Development: as defined by the City of Norman Code in Section 19-210, as may be amended from time to time.
- c) Conservation Easement: a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural; forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

- d) Floodplain: as defined by the City of Norman Code in Section 22:429.1.2 as may be amended from time to time.
- e) Flowage easement: an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1064.5 sea level datum.
- f) Greenbelt Enhancement Statements (GES): a statement in a form provided to the applicant by the City Planning and Community Development Department that is to be included with all applications for a Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the goals and objectives of The Greenbelt System are met by the proposed development.
- g) The Greenbelt System: includes the following spaces, regardless of whether they are open to the public:
 - 1. A system of trails (both on and off road) intended to connect parks, green spaces, schools, retail, employment, and residential areas.
 - 2. Areas of land within the City Limits required to be open space by zoning; areas currently designated for open space, park, floodplain, and institutional use by the Norman 2025 Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) "take-line" and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as green space in the future
- h) Green Space: any land area designated as open space by Norman's Comprehensive Land Use Plan; land determined to be open space or green space on an approved site development plan; or any land area in which the preservation in its present use would conserve and enhance natural or scenic resource, protect streams or water supply, promote conservation of soils, wetlands or marshlands, enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries or other open space or green space, enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas, preserve visual quality along highway, road, and street corridors or scenic vistas, or retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.
- i) Greenway:
 - 1. A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a

- stream valley, a ridgeline, a railroad right of way, a channel, a scenic road or other route; and/or
- 2. A trail; and/or
- 3. An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.
- j) <u>Impervious Surface: one that does not permit penetration or passage of water, such as a roof or paved street or parking area.</u>
- k) Riparian Buffers: the area between developed land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.
- l) Structure: as defined by the City of Norman Code in Section 22:450 of the Zoning Ordinance, as may be amended from time to time.
- m) <u>Take Line: exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.</u>
- n) Trail: any natural or landscaped course open to pedestrian or bicycle passage, including but not limited to sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use. Types of trails include:
 - 1. Community Wide (Regional or Arterial) Trails: trails between 10' and 12' in width that provide access from one part of the city to another.
 - 2. Neighborhood Trails: trails between 6' and 10' in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.
 - 3. Natural Trails: trails at least 8'-10' in width composed of compacted earth.
 - 4. <u>Greenway Corridor Natural Trails: natural corridors that exist along some of the levee corridors of the City.</u>
 - 5. Parkway Trails: trails between 6' and 8' in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.
 - 6. <u>Sidewalk Trails: sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.</u>
 - 7. Specialized Trails: water trails, equestrian trails, bikeways, or other trails dedicated to some specific use not otherwise listed herein.
- § 4. That Section 4-2025 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

Sec. 4-2025. Review by the City Council.

The City Council shall have the right to review all acts and decisions recommendations of the Greenbelt Commission.

§ 5. That Section 4-2026 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 4-2026. Specific Principles, Purposes and Goals of the Greenbelt System. A Greenbelt System, as defined herein, serves the following principles, purposes and goals of the City of Norman.

- (a) <u>Proposed additions to the Greenbelt System should be guided by the following principles:</u>
 - 1. The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of Norman.
 - 2. The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.
 - 3. <u>Trail segments should be designed so that they convey the physical and historical character of the City of Norman and relate to the neighborhoods through which the trail corridors pass.</u>
 - 4. <u>Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of Norman.</u>
 - 5. <u>Trails should promote smooth walkable corridors that are open and visible.</u>
 - 6. The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.
 - 7. The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.
 - 8. Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.
- (b) The use of lot clustering should be encouraged in areas not served with sanitary sewers as a means to develop the greenbelt system.
- (c) The greenbelt system should be used to link together existing recreation areas.
- (d) Multi-purpose greenbelt corridors should be created that:
 - 1. <u>Create a unique greenway character for Norman;</u>
 - 2. <u>Protect the environmentally sensitive areas of the City and serves as a wildlife habitat;</u>
 - 3. <u>Serve as a stormwater management resource for urban run-off and regional detention needs;</u>
 - 4. <u>Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting</u>

- to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;
- 5. <u>Preserve agriculturally significant lands thru conservation easements or other means; and</u>
- 6. <u>Provide suitable locations for sanitary sewer easements and facilities.</u>
- (e) Greenbelts should be used to provide green space areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.
- (f) The Greenbelt System continues to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.
- § 6. That Section 4-2027 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 4-2027. Greenbelt Enhancement Statements.

- (a) Submission. All applications for a Pre-Development meeting regarding a proposed Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement which shall be provided to the applicant by the City Planning and Community Development Department.
- (b) Content. Greenbelt Enhancement Statements shall articulate how the principles, purposes and goals of this ordinance are met by the proposed development and its amenities. Applicants shall also provide supporting drawings, illustrations, etc. where appropriate.

(c) Review.

1. Staff Review: The Planning Director or designee shall perform an initial review of the Greenbelt Enhancement Statement. If the application indicates that an opportunity for greenbelt development does not exist, or the details of the application support such a finding, then the Planning Director or designee may issue a finding of No Greenbelt Opportunity. Such a finding shall be based on factors unique to the subject parcel, such as when the application involves redevelopment of an already fully developed site, rezoning of property that does not involve new construction, or the existing plat requirements are such that development options are restricted. If a Finding of No Greenbelt Opportunity is made, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item as outlined in subsection (2)(a) below. If a request for a Finding of No Greenbelt Opportunity is denied, a

completed Greenbelt Enhancement Statement shall be forwarded to the Greenbelt Commission for consideration as set forth below.

2. <u>Initial Review by Greenbelt Commission:</u>

- a. Findings of No Greenbelt Opportunity. If such a finding is made by the Planning Director or designee, then the application shall be forwarded to the Greenbelt Commission for consideration as a consent docket item to allow the Commission to determine whether it agrees with Staff's finding of No Greenbelt Opportunity. If a Commission member disagrees with Staff's finding of No Greenbelt Opportunity, said member may request that the item be removed from the consent docket and the item will be reviewed in the same manner as other applications. If the Commission agrees with Staff's finding of No Greenbelt Opportunity, the subject application will bypass further review by the Commission and be forwarded on to the Planning Commission as provided for in the City Code.
- b. Other Applications. All other applications for which a Greenbelt Enhancement Statement is completed shall be considered by the Greenbelt Commission for an initial review when application is made for a Pre-Development meeting and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant with the Planning Commission packet. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the Greenbelt system through reference to specific principles, purposes and goals set forth herein.
- 3. Subsequent Review by Greenbelt Commission. Should it be determined that a greenbelt opportunity exists for a particular application and if the application has substantially changed (as determined by Planning and Community Development staff) since it was originally considered by the Greenbelt Commission, the Greenbelt Enhancement Statement shall be reviewed by the Greenbelt Commission at one of its regularly scheduled meetings after application is made to the Planning Commission and upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant with the Planning Commission packet. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not

meet the goals of the Greenbelt system through reference to specific principles, purposes and goals set forth herein.

§ 7. That Section 4-2028 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements. In performing its duties, the Greenbelt Commission shall take into account the considerations listed below. Not all considerations will be applicable or feasible for each application.

- (a) Portions of the Greenbelt System are accessible to the general public.
- (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.
- (c) Existing easements (e.g. utility, pipeline, oil lease right of way, etc) may be used for Greenways where appropriate and where expressly approved by the easement grantor and grantee.
- (d) <u>Greenways connect neighborhoods to each other and to industrial and</u> commercial areas.
- (e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.
- (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.
- (g) <u>Developments between urbanized Norman and Lake Thunderbird include</u> <u>pedestrian and bike connectivity to adjacent parcels to allow for future</u> connections to Lake Thunderbird.
- (h) <u>Landscaping required by the City has been planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.</u>
- (i) <u>Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.</u>
- (i) Permeable ground surfaces have been preserved to the extent possible.
- (k) <u>Ingress and egress to and from a development is designed to permit safe use</u> by non-motorized traffic in and out of the development and across the ingress and egress provisions of the development.
- (l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under Norman City Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.
- (m) Water retention and detention storage facilities are designed and built with bioengineering materials and principles.

- (n) <u>Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.</u>
- (o) All storm water management considers the potential for trail and green space preservation, enhancement and/or creation.
- (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
- (q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.
- (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- (s) Riparian buffers are incorporated into the Greenbelt System.
- (t) The commercial developments have provided for pedestrian access.
- (u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under the Zoning Ordinance of the City of Norman and the City Engineering Design Criteria.
- (v) <u>Cluster development has been utilized in areas not served with sanitary sewers as a means to develop the Greenbelt System.</u>
- (w) <u>Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.</u>
- § 8. That Section 4-2029 of Chapter 4 of the Code of the City of Norman, Oklahoma shall be added to read as follows:
 - Sec. 4-2029. Policy for Acquiring Greenways, Trails, and other Green Space. Easements accepted, purchased, or otherwise acquired by the City for the purposes of expanding or enhancing the Greenbelt System shall be acquired in accordance with the guidelines and policies contained herein and in the City of Norman Subdivision Regulations as may be amended from time to time.
- § 9. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this day of, 2010.	NOT ADOPTED this day of, 2010.
Cindy Rosenthal, Mayor	Cindy Rosenthal, Mayor
ATTEST:	
Brenda Hall, City Clerk	

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES April 9, 2010

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 9th day of April, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and

Chairman Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal

Councilmember Carol Dillingham

Ms. Karla Chapman, Administrative Technician III Ms. Susan Connors, Planning and Community

Development Director

Mr. Patrick Copeland, Development Services Manager

Ms. Joyce Green, GIS Services Manager Mr. Bob Hanger, Storm Water Manager

Mr. Doug Koscinski, Current Planning Manager Ms. Leah Messner, Assistant City Attorney

Mr. Drew Norlin, Assistant Development Coordinator

Mr. Shawn O'Leary, Director of Public Works
Ms. Kathryn Walker, Assistant City Attorney
Mr. Tom Knotts, Planning Commission Linison

Mr. Tom Knotts, Planning Commission Liaison Mr. Van Cline, Greenbelt Commissioner

Ms. Jane Ingels, Greenbelt Commissioner

Ms. Caryn Vaughn, Greenbelt Commissioner Ms. Lyntha Wesner, Greenbelt Commissioner Mr. Jim Adair, Adair and Associates, Inc.

Mr. Don Armstrong, Armstrong Construction

Mr. Trey Bates, Bates Real Estate Mr. Jay Cervi, Heritage Fine Homes

Mr. Isaac Christian, Landmark Fine Homes

Mr. Rod Davari, Westpoint Homes

Ms. Wanda Frost, Homebuilders Association

Mr. Harold Heiple, Attorney for Norman Developers Council

Mr. Curtis McCarty, C.A. McCarty Construction

Mr. Steve Mohr, Mohr Contracting, Inc.

Mr. Bob Thompson, Developer

Mr. David Vazdani, Home Creations

PROPOSED DRAFT GREENBELT ORDINANCE.

Mr. Patrick Copeland, Manager, Development Services Division, said the Greenbelt Commission (GC) was created May 11, 2004, by Ordinance No. O-0304-71 and was tasked with advising Council on policies pertaining to the promotion, acquisition, maintenance, and improvement of open spaces, greenways, and trailways systems in the City; proposing an ordinance establishing the Greenbelt System including the Greenbelt Enhancement Statement; and determining the duties and responsibilities for submission of Greenbelt Enhancement Statements in accordance with the recommendations from the Greenbelt Task Force.

He said one of the first determinations by the GC was the need for education about the development process in Norman to determine what was needed in the Greenbelt Enhancement Statement and how to fit $7 - 19^{4}$ new element into the existing development process without increasing the time required for development

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applications to make their way through the process. The GC spent many months viewing proposed developments and established a format to provide input into proposed development designs. Mr. Copeland said although the process was informal and not an official requirement, the comments and observations made by the GC resulted in discussions by both the Planning Commission and Council.

Mr. Copeland said the GC established a subcommittee a couple of years ago to draft a proposed amendment to the Greenbelt Ordinance that would accomplish Council directives. He said the subcommittee presented their draft to Staff several months ago and since that time, the GC has solicited public input, including specific input from the development community. The proposed ordinance presented today reflects numerous changes considered to be improvements and ways to address concerns from the development community. He said although the development community still has a number of concerns with the proposed ordinance, the GC believes this current version not only is appropriate for the needs of the community, but fulfills Council's intent when the GC was established.

Mr. Copeland highlighted the proposed ordinance and said the development community does not agree with the expansion of the GB Enhancement Statement as outlined in Sec. 4-2023, which would include all applications for land use plan amendments, zoning changes, certificates of survey, and preliminary platting. He highlighted amendments that were made in an effort to address concerns of the development community and said Sec. 4-2023A, Definitions, is entirely new and was an attempt to define terms applicable to the ordinance. He said there are a couple of terms that still need some work, i.e., open space definition, stating the existing definition in the Zoning Ordinance for open space is a poor definition that has little applicability and dates back to Federal Housing Administration (FHA) open space standards. Sec. 4-2026 is a new section for specific principles, purposes and goals of the Greenbelt System, which wording was taken from the Greenway Master Plan. Section 4-2027, pertains to the submission, content, and review process of the enhancement statement for proposed development and whether is does or does not meet the goals of the Greenbelt System. Mr. Copeland felt a lot of the changes and input made during the review process from the development community and others were to emphasize they are guidelines, not specific ordinance provisions. He said Sec. 4-2029 relates to the policy for acquiring greenways, trails, and other open space, which the GC felt was important for identifying greenway property in the development process and how proposed properties might be purchased or accepted for City purposes.

Ms. Susan Connors, Planning and Community Development Director, said Staff went through the proposed amendments recommending changes and determined all the land use plan amendments and zoning changes may not need to be reviewed. She said if Staff went back to the preliminary plats, they could catch most of the development coming into the City. In addition, if the Greenway Master Plan is adopted, it would set the framework for the location of greenways and become the policy document that would allow the GC to say where the trails should be located throughout the City. Ms. Connors said both private and public space is governed by the enhancement statement and the developers have expressed public spaces should be the only concern of the GC. She said Staff recommended deleting the current definition for open space, as it now reads, because it is so different from the open space definition elsewhere in City ordinances. She said it is a standard open space definition used in many communities, but it is not how the City of Norman currently deals with open space. She felt the definition could be deleted, although Staff does not have a good substitute definition at this time.

Councilmember Butler acknowledged all who were in attendance today and said a lot of work has gone into the proposed ordinance and it is important to make certain this is a good, solid policy. She asked what legal authority a non-elective body had to restrict or make comments on property owners' rights and Ms. Kathryn Walker, Assistant City Attorney, said statutory authorities in Title 11, which discusses establishing a Planning Commission (PC) to regulate land use. She said the City's current PC is only a recommendatory body where most statutory cities, or cities that use State statute provisions, have a PC which is a decision-making, regulatory body. She said when a decision-making regulatory PC says yea or nay to a plat that is the final decision, instead of the City's current practice of forwarding to Council for a final

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decision. Ms. Walker said the GC is recommendatory only and has specific purposes, similar to how the City has set up the PC. She said the GC reviews developments for a specific purpose and forwards recommendations to the PC, which are then forwarded to Council.

Councilmember Butler asked if the GC proposal confer any new regulatory authority and Ms. Walker said no. Ms. Walker said working through the process, changes have been made to make the proposed ordinance more clear that the intent is not to regulate or require any additional dedication of open space. She said another intent has been to educate the public as to what the GC would like to see as far as greenways, open space, etc. Ms. Walker said Council will still have the final decision whether or not to approve or amen'd a plat.

Ms. Lyntha Wesner, GC Member, distributed written responses from the GC in reference to the Norman Developers comments and concerns about the proposed ordinance. She said Councilmembers previously expressed rezoning applications and land use plan amendments were coming to them for decision with no consideration for connectivity as envisioned by the greenbelt ordinance and the 2025 Land Use and Transportation Plan. Ms. Wesner said she and Ms. Jane Ingels, GC Chair, met with Councilmember Cubberley, who suggested changes to the ordinance, specifically adding "land use plan amendment, zoning change, or preliminary platting," to applications that should have a Greenbelt Enhancement Statement. Ms. Wesner said the proposed ordinance contains this particular verbiage and the GC suggested also adding rural certificate of survey to the proposal, so all applications considering connectivity would be reviewed. She felt the GC has an educational role in suggesting the developer look at a development and determine how it can allow connectivity to the rest of the City.

Ms. Connors said the Greenbelt Enhancement Statement will have to be placed in the current review process. She said pre-development takes place before the application is submitted giving Staff thirty-one days from the time of application submittal to schedule a hearing before the PC, and the Greenbelt Enhancement Statement would be reviewed during that thirty-one day timeframe. Councilmember Dillingham asked Ms. Wesner to explain the exact GC review process of the enhancement statement and what document the GC would create and present to the PC. She asked the GC would issue a finding of a "possibility for connection" or "no possibility for connection" to the PC; comment guideline to guideline; and/or whether there is any possibility for the applicant to work in advance with Staff, i.e., could small infill project applications be submitted in advance to Staff where there is absolutely no opportunity for connectivity and therefore be moved along in the process. Ms. Ingels said the GC has discussed creating a form for those developments that may have an early finding of no possibility for greenway opportunity, although the details have not been worked out yet.

Ms. Wesner said developers would receive a Greenbelt Enhancement Statement when applying for a pre-development meeting with Staff, before the PC meeting, requesting the developer consider all forms of connectivity, open space, and preservation to their development. The GC would simply forward comments to the PC and the developer can decide whether to incorporate the comments into their development. Ms. Wesner said the GC findings could let the PC know if the developer followed specific guidelines, as well as guidelines or scenarios that were not followed. Councilmember Dillingham said she is aware the developers are very concerned about the process and suggested the GC and Parks Board (PB) review applications simultaneously. Councilmember Butler agreed, stating review time has always been an issue and recommended developers be allowed to request a joint meeting of the GC and PB. She asked Staff to develop riteria that may allow "the finding of no opportunity for greenway or connectivity" allowing the conclusion to be made as early as possible in order to streamline the review process.

Mayor Rosenthal requested Staff research the various definitions of open space in the City Subdivision Ordinance for comparison and bring the information back to this Committee for discussion. Ms. Connors said Staff tried to eliminate definitions or words that were defined in other ordinances in attempt to reduce any conflict with other ordinances, rules, or regulations. Mayor Rosenthal suggested Staff examine the proposed ordinance and determine if additional subjective words could be eliminated and a more neutral statement be developed.

Mayor Rosenthal asked Mr. Heiple, Attorney for NDC, if he could provide explanation regarding the summary of objections/concerns/comments of the Norman Developers Council with respect to the proposed Greenbelt Ordinance, specifically Sec. 4-2029 where he stated "This Policy for Acquiring Greenways, Trails, and Other Open Space should be deleted because it unduly limits and infringes upon the City Council's powers, as impacted by applicable state law relating to easements and private property rights." Mr. Heiple said what he submitted today was a summary of issues being infringed upon and felt today's meeting was not the place to debate the issues. He said he would be happy to furnish specifics on all comments submitted to Council and felt the time has come for Council to take ownership of the proposed ordinance in order for it to move forward. He requested the Planning and Community Development (PCDC) conduct open public meetings, similar to those held for the Property Owners Association (POA) and Floodplain, so that all parties can participate in open dialogue. Mayor Rosenthal asked if Sec. 4-2029 could be addressed by simply amending the language suggesting, "the policy contained within and consistent with the Charter and other ordinances of the City." Mr. Heiple said the NDC did not feel the proposed ordinance is consistent with other City ordinances and, therefore, the proposal would be a disservice to the community. He said the language needed to be fine-tuned and NDC would love the opportunity to go over the issues line by line to reach conclusions. Mr. Van Cline, GC Member, said there have been numerous open meetings with members of the development community concerning the proposed ordinance in which they had ample opportunity to discuss the issues at hand.

Councilmember Dillingham suggested the NDC's submit a list of objections to the proposed ordinance so the City Attorney's office can review them and determine what needs to be done in order to move the proposed ordinance forward. Mayor Rosenthal said whether or not the outcome was satisfactory to all parties, it has had a lot of work completed, public meetings conducted, and consultations performed and felt the process did not need to start over, specifically holding public meetings similar to the POA and Floodplain, as suggested by Mr. Heiple.

Councilmember Butler requested Staff create a statement regarding "no greenbelt review" required; research comparative definitions of open space in the City ordinances; look at making the criteria more neutral; and give the applicant the option to request a joint presentation with the GC and PB. Councilmember Dillingham requested the GC define exactly how their review and details will be given to the PC.

Items submitted for record

- 1. Memorandum dated April 1, 2010, from Mr. Patrick Copeland, Manager, Development Services Division, to Norman City Council Planning and Community Development Committee
- 2. Draft Greenbelt Ordinance
- 3. Letter dated April 8, 2010, from Mr. Harold Heiple, Attorney, to Norman City Council Members
- 4. Summary of Objections/Concerns/Comments of Norman Developers Council with respect to the draft of the proposed Greenbelt Commission Ordinance dated 4-1-10
- 5. Brief Overview of 2009 Norman Developers Council Comments with Greenbelt Commission Responses, dated April 9, 2010, submitted by Lyntha N. Wesner, Chair GC and written draft comments and concerns from Greenbelt Commission, to Norman Developers Council, with specific sections of proposed Greenbelt Ordinance (11-13-2009 draft)

INDUSTRIAL LAND USE STUDY.

Ms. Susan Connors, Director of Planning and Community Development, said in July 2008, Council rejected a proposed amendment to the Norman 2025 Land Use and Transportation Plan for a mixed residential area located near Highway 9 and 12th Avenue S.E., i.e., Victory Park Addition. She said a recent request at the northwest corner of Tecumseh Road and 12th Avenue N.W., i.e., Founders Park Addition, raised similar concerns about conversions of land zoned or designated for industrial use. She said Staff asked that all such requests be held in abeyance while a study was performed to shed light on past policies and practices.

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES June 11, 2010

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 11th day of June, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and Chairman

Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal Councilmember Dillingham

Mr. Jeff Bryant, City Attorney

Ms. Karla Chapman, Administrative Technician III Ms. Susan Connors, Planning and Community

Development Director

Mr. Patrick Copeland, Development Services Manager

Mr. Ken Danner, Development Manager

Mr. Doug Koscinski, Current Planning Manager

Mr. Steve Lewis, City Manager

Mr. Tom Knotts, Planning Commission Liaison Ms. Jane Ingels, Greenbelt Commissioner Mr. Richard McKown, Greenbelt Commissioner Ms. Lyntha Wesner, Greenbelt Commissioner

Ms. Wanda Frost, Homebuilder's Association

Mr. Harold Heiple, Attorney for Norman Developers Council

Mr. Sean Rieger, Attorney

Mr. Tom Sherman, Chamber of Commerce Officer

CONTINUED DISCUSSION REGARDING THE PROPOSED GREENBELT ORDINANCE.

The Greenbelt Commission (GC) was created by ordinance in 2004 and the GC was tasked with advising Council on policies pertaining to the promotion, acquisition, maintenance, and improvement of the open spaces, greenways, and trailways in the City. The first number of duties assigned to the GC was to propose an ordinance establishing the greenbelt system of open spaces, greenways, and trail systems, including without limitation, the contents of the Greenbelt Enhancement Statement (GES) and the duties and responsibilities for submission of such GES.

Staff presented a draft amended Greenbelt Ordinance to the Planning and Community Development Committee (PCDC) on April 9, 2010. After discussion, the PCDC requested Staff amend and bring back requested edits of the Greenbelt Ordinance and provide some clarification as to the format in which the GC's comments would be forwarded to the Planning Commission (PC) and Council. Staff was also asked to research and bring back the proposed definition of open space and ways other cities define open space.

The PDCD met on May 21, 2010, and briefly discussed the proposed changes to the ordinance, including the "administrative bypass" provision that would allow certain developments to bypass the GC. Staff was directed to bring back the proposed finalized GES form as well as an administrative bypass process to the next PCDC.

Staff provided a draft GES to the Committee and said it is designed so that it can be provided to applicants and submitted at the same time as making application for a Pre-Development meeting. The first page of the GES is instructions to the applicant what is they are being asked and provide on the form and how information will be utilized as they go through the development process. The objective is to get this information to the GC as early in the development process as possible and is consistent with the development community's request that any input from the GC occur prior to final plan development. The GES instructions offer an opportunity for the developer to come to the GC for discussion of their proposal at the next scheduled GB meeting, which will be in a timeframe close to the Pre-Development meeting.

The instructions also indicated the GC will make an official analysis of the proposed development after a formal development application for a public hearing at the PC has been submitted. Based on the submitted PC application and input from the developer and/or citizens about the proposal, the GC would then forward comments to PC and Council. The GES form also allows the developer an opportunity to show how their proposed development addresses the goals, purposes and evaluation

Planning & Community Development Committee Minutes June 11, 2010 Page 2

criteria identified in the proposed Greenbelt Ordinance. The GES also has an opportunity for the applicant to declare that no opportunity to enhance the greenbelt system exists within the development. Staff will review the initial proposal to help determine whether no GC review is needed, with an opportunity for the GC to affirm those findings. The proposed GES also provide space for GC comments that can be forwarded to PC and Council for their consideration from a single document.

Staff provided a prospective calendar to illustrate the timeline of how Pre-Development, GC, and PC reviews can be accomplished within the current development time frame.

Staff researched current planning literature for a definition of open space that could be applied consistently throughout Norman's regulations and gave a sampling of more modern definitions for the PCDC's review. Staff included the current definition for open space in the zoning ordinance and subdivision regulations and said the term is used over eighty times in various places in the City Code and multiple uses of the term were focused in general categories to include:

- ❖ As one of the basic components of planning the community
- Requirements in all plats and Planned Unit Developments (PUD)
- Special Uses in eight different zoning categories for "off street parking lots to be used as open space" for vehicle parking
- ❖ Preservation/reservation in some districts for parks and recreational uses
- A definition and parts of several definitions and commingle parks, playgrounds, and true open spaces with parking spaces covered and otherwise

Councilmember Butler requested Mr. Harold Heiple, Attorney, to approach the conference table, state who he is representing, and comment on the proposed greenbelt ordinance. Mr. Hieple said he is representing the Norman Developers Council (NDC) and did not feel he had enough time to talk about every item of concern. He distributed a five-page Summary of Objections/Concerns/Comments of the NDC with respect to the draft of the proposed GC Ordinance and said the NDC requests a comprehensive discussion and examination of the 46 items listed in their concerns, at a meeting open to the public and led by Council. Mr. Heiple said in earlier PCDC discussions the NDC felt the "policy for acquiring greenways, trails, and other open space", should be deleted in the proposed ordinance because it unduly limits and infringes upon Council powers, as impacted by applicable state law relating to easements and private property rights. He listed several authorities pertaining to this comment from the U.S. Constitution, Oklahoma Constitution, and Norman City Code.

Mr. Heiple said a real concern is verbiage in Section 4-2023(1) ..."Land Use Plan amendment, zoning change..." and felt is should be removed. He said the GC was not granted these powers in the enabling ordinance and would invade the duties of the PC, causing the likelihood that Council would receive conflicting opinions and recommendations from PC and GC. He felt another issue was Section 4-2023A(i) and felt the word "public" must be inserted in from of the word "spaces" and the words "...regardless of whether they are open to the public" must be deleted. Mr. Heiple felt if Council did not insist on a meaningful and constructive debate, it will leave the business community no choice other than to oppose the proposed ordinance and in his experience the proposed ordinance would likely be defeated both in District Court and by the voters in a referendum. He said this would be a tragic waste of time, effort, and money on the part of all who have participated on this topic for years.

Councilmember Butler asked Mr. Heiple if the two issues he spoke of were NDC's main concern and Mr. Heiple said NDC was serious about all 46 items listed in their five-page concerns. Mr. Heiple briefly went over the items and highlighted the recommended changes NDC felt should be made to the proposed ordinance. Mr. Tom Knotts, Planning Commission Liaison, asked Mr. Heiple why the insertion of the word "public" in front of spaces and trails was so important and Mr. Heiple replied because the proposed ordinance imposes a mandatory trail feature on private land without compensation and said trails are not appropriate everywhere in Norman. He said a private developer should have the option of including a trail in a proposed development or not, the option of making the trail private or public, and have the option of keeping the trail private if he wishes to do so.

Councilmember Butler asked Ms. Lyntha Wesner, Greenbelt Commissioner, if she would like to address the Committee, comment about any main issues the GC may have with the proposed ordinance, or the summary of objectives Mr. Heiple distributed. Ms. Wesner said this was the first she had seen of Mr. Heiple's most recent summary, but said many of the listed concerns have been expressed and submitted before. She said the GC has looked over their concerns, gone through them point by point, and posted the information on the City website under GC documenting how the GC and the PCDC have looked at many of the NDC's objections before. Ms. Wesner said Mr. Heiple's comment concerning the 1,000 feet in Section 4-2027(c)(1), stating "part of every developable tract in urbanized Norman lies within 1,000 feet of at least one open space, park, institutional, floodplain, or library uses", has been changed on the proposed Greenbelt Ordinance presented today.

Ms. Wesner said the Greenbelt Enhancement Statement (GES), including no opportunity for greenbelt system in a proposed development, is very early in the process which has been one of NDC's concerns about not slowing the process d_{7-2.4} She

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said in she did not know how to respond to the specific NDC concern regarding whether the proposed greenbelt ordinance should include the verbiage "private" in the proposed greenbelt ordinance and GC decided it did not have an impact of forcing a requirement on a developer but instead show the importance of the overall open space and trails system for Norman. Ms. Wesner offered the Committee some background as to Section 4-2021(1) saying the GC was approached by Councilmembers concerned developments that had any changes coming before Council were not subject to the GC to looking and commenting all the ways a greenbelt system could be expanded. She said she and other Greenbelt Commissioners approached Councilmember Cubberley, who essentially wrote the enabling legislation, and he agreed the verbiage should be expanded as is now is in the proposed ordinance. Councilmember Cubberley said this is an example of the "two-stepping" that went on in the past, in terms of when a developer first brought a LUP without a plat forward for Council consideration then brought back a second time after getting the plan changed requesting Council approval on a zoning change. Ms. Wesner said this explanation including any comments has also been uploaded on the City website.

Ms. Wesner said the greenbelt ordinance is now at the top of the process, stating the GC was established in 2004, to include work done by the Greenbelt Task Force, the 2020 Land Use Plan (LUP), and 2025 LUP, as well as park documents that date back to the 1960's discussing the topic of open space. She said Ms. Kathryn Walker, Assistant City Attorney, has contributed great dealt with this process, looking at all documentation from a legal standpoint and assisting with the language of the proposed ordinance.

Councilmember Cubberley asked Staff and Greenbelt Commissioners if they looked at other cities to see if their ordinances included both public and private trails and greenways and Mr. Patrick Copeland, Development Services Manager, said Staff was not aware of any cities in Oklahoma that have specifically addressed this subject in this manner. He said there are examples in Colorado and along the coast of private and public trails that are identified in a greenbelt system, but it does not change their status of private. Councilmember Cubberley asked Staff if the proposed ordinance would change the status of a private greenway or trail to a public greenway or trail and Mr. Copeland said no, not as it is now proposed. Mayor Rosenthal asked Staff if the proposed ordinance mandates public trails and Mr. Copeland said the dedication of public trails is not mandated.

Mr. Sean Rieger, Attorney, asked Councilmember Butler if he could have a few minutes to address the Committee and Councilmember Butler reminded everyone this is a Council working session and not a debate. Mr. Rieger said he was shocked to hear the GC say the intent of this proposed ordinance is not to take private land and make them accessible to the public. He said the proposed ordinance under the definition of greenbelt system Section 4-2023(A)(i)(1) states "...regardless of whether they are open to the public" and read Section 4-2023(A)(i)(2) which states "Areas of land...used by the Norman 2025 Plan..." saving the Norman 2025 Plan is vast areas of land space that are open areas, i.e., Imhoff Creek, Bishop Creek, Ten Mile Flat, Little River, every detention pond, etc. He also cited Sections 4-2026(a) (6) and Section 4-2028(a) and said unquestionable the intent of this proposed ordinance is to put private land as part of the greenbelt system and to make them accessible to the public. Councilmember Cubberley requested Mr. Rieger to look at the sentence right before 4-2028(a) which reads, "Not all considerations will be applicable or feasible for each application," and asked him how he could understand it to say that this requirement will be for every plat? Mr. Rieger said the NDC asked the GC to change this particular Section, early in the process they agreed and did so, but then changed back. Councilmember Cubberely again reminded Mr. Rieger the proposed ordinance reads not all considerations will be applicable and has a list of guidelines, but does not say A is more important than B, or B is more important than C, etc., it is simply a list. Mr. Rieger felt it was an ambiguous list and the NDC felt it gave authority to the GC as to what is feasible or what. Councilmember Cubberley said the GC is not a decision-making body and only give advice to Council and Mr. Rieger felt the proposed ordinance should state that it is only advice. Mr. Rieger said the GC is a committee that developers will now have to go before twice, before ever going before the PC. Councilmember Butler said a developer may choose to go before the GC twice, but it is not a requirement. Mr. Rieger felt it would be foolish for a developer not to go to a hearing where their plat, livelihood, and/or future will be reviewed and discussed and Councilmember Cubberley said the process could be revised to state only one GC meeting instead of two. Mr. Rieger said the NDC has been told the proposed greenbelt ordinance is purely educational advice and it should very explicitly and clearly state such and Mayor Rosenthal said the very first sentence in Section 4-2023 states, "the GC shall advise the City Council..." Mr. Rieger said ves, he knew it said that, but the developer will be judged by the advice and it should read, "the recommendation of the PC is not in any way more than educational..." and he said the NDC requested the GC to put the verbiage "educational" in front of advice and the GC responded they could not do that because then it would not mean anything. Councilmember Cubberley said the GC advice is only one piece in a plat process and said the greenbelt process has been on-going for several years and is now at the point of where the ordinance language needs to be put into effect into a formal fashion. Mr. Rieger stated this GC has become solely focused on trying to insert themselves in the development platting and review process and he felt the GC should serve a whole other aspect and that has not happened. Councilmember Butler agreed saying the GC has not gotten to that point yet because Council is still trying to set up the basic advisory process and there is a lot more in the GC charge they have not gotten too.

Planning & Community Development Committee Minutes June 11, 2010 Page 4

Councilmember Butler asked Staff to speak on the GES and the Timeline for GC, Pre-Development, and PC meeting and actions. Mr. Copeland highlighted the GES stating it is set up to be a two part GC review, but the initial review allows the applicant or Staff to make a determination for no opportunity for greenbelt. He said an important issue to remember, and which has been a concern expressed by developers all along, is to provide the input before all the money is spent on engineering to prepare a final product. Mr. Copeland said the information submitted at the pre-development stage is intended to be "not a finished product" if comments are made that do adversely affect the cost of the development and in some instances the original proposed development changed significantly from the pre-development stage to what was actually submitted to the PC.

Councilmember Cubberley said the two part review can be eliminated to only one review if it is burdensome to the developers and Mr. Copeland said yes, but it is difficult to accomplish both of the developer's request of either providing information at the preliminary drawings or faced with the situation if comments are made at pre-development and submitted to PC review, the developer has already spent a lot of money, making it very expensive and difficult to change the development. He said Staff is trying to work within the timeline and that is why Staff submitted the Timeline for GC, Pre-Development, & PC meetings and actions and said there are no new dates or extensions required beyond what is currently provided for in the pre-development and platting process, stating both reviews would be able to occur within the same timeframe. Mayor Rosenthal said a possibility to streamline the process is to have the three Greenbelt Commissioner participate in the pre-development meeting and the PCDC agreed.

Mr. Richard McKown, Greenbelt Commissioner,

Items submitted for record

The meeting adjourned at 9:45 a.m.

- 1. Memorandum dated June 3, 2010, from Mr. Patrick Copeland, Manager, Development Services Division, to Norman City Council Planning and Community Development Committee
- 2. Norman Greenbelt Enhancement Statement
- 3. Greenbelt Assessment Statement for Proposed Developments
- 4. Timeline for Greenbelt Commission/Pre-Development/Planning Commission Meeting and Actions
- 5. Draft Greenbelt Ordinance Amendments
- 6. Approaches to Open Space
- 7. Table of where "open space" appears in the Zoning Ordinance and Subdivision Regulations
- 8. Memorandum dated May 14, 2010, from Ms. Kathryn L. Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Planning and Community Development Committee Members
- 9. Draft Greenbelt Ordinance Amendments
- 10. Letter dated June 11, 2010, from Mr. Harold Heiple, to City Council Planning and Community Development Committee
- 11. Summary of Objectives, Concerns, Comments of Norman Developers Council with respect to the draft of the proposed Greenbelt Commission Ordinance dated May 14, 2010

Attest: City Clerk	Mayor	•

CITY COUNCIL STUDY SESSION MINUTES

August 17, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 17th day of August, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler Cubberley,

Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: Councilmember Ezzell

DISCUSSION REGARDING AMENDING THE PROCEDURES AND POWERS OF THE GREENBELT COMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION INCLUDING BUT NOT LIMITED TO, GREENBELT ENHANANCEMENT STATEMENTS.

Ms. Kathryn Walker, Assistant City Attorney, provided background on the Greenbelt System to Council stating the Norman 2020 Land Use and Transportation Plan (LUP) established a greenbelt system for Norman and a Citizens Greenbelt Steering Committee was formed and provided a report in October 1997. She said the Greenbelt Task Force was appointed in 2000 to draft a plan for establishing a Greenbelt System and presented Green Dreams in 2002. In May 2004, Sections 4-2021 through 4-2025 were added to the Norman Code to establish the Greenbelt Commission (GC) for the purpose of promoting and protecting the public health, safety, and general welfare by creating a mechanism for providing a Greenbelt System. Ms. Walker said the GC begin working on amendments to the Code in 2007 so that a Greenbelt System to include preserved open spaces, protected natural areas, and greenways/trails in a system of land parcels will work to help maintain and preserve the beauty and livability of the City.

Ms. Walker said one of the duties of the GC was to propose an ordinance that would establish a Greenbelt System of open spaces, greenways and trail systems as well as dictate the contents, duties and responsibilities for the submission of Greenbelt Enhancement Statements (GES). The GC began working over two years ago, and presented the proposed ordinance to the Planning and Community Development Committee (PCDC) on May 21, and June 11, 2010.

The proposed ordinance amends several existing sections in Chapter 4 of the Code of Ordinances of the City of Norman and also adds five new sections. Section 4-2022 contains an amendment requiring the GC to meet "as required in furtherance of its duties set forth herein," so that a meeting is required only when there are developments to review. Current language requires the GC to meet at least once per month.

Section 4-2023 contains an amendment clarifying the duties of the GC to propose an ordinance defining, rather than establishing, a Greenbelt System and requiring all applications for a Land Use Plan (LUP) amendment, a Norman Rural Certificate of Survey, or a Preliminary Plat to submit a GES articulating how the subject development meets the goals and objectives for the Greenbelt System Plan. Ms. Walker said this language will exclude from the GC's review short form plats and zoning changes that do not require an accompanying plat.

Section 4-2023 provides definitions to assist in interpreting the remainder of the ordinance. The term "Green Space" has replaced "Open Space" as a result of the PCDC feedback to help avoid conflicts with the multiple references to open space in the Zoning Ordinance.

Section 4-2026 adds specific principles, goals, and purposes to guide both development applications and the GC in the furtherance of their duties including goals that were adopted from the Greenway Master Plan in November 2009, as well as goals articulated in the Norman 2025 LUP.

City Council Study Session Minutes August 17, 2010 Page 2

Section 4-2027 establishes the requirement of submission of a GES with applications for LUP Amendments, Rural Certificate of Surveys, and preliminary platting. Ms. Walker said this section was revised to provide for an "administrative bypass" after considerable discussion amongst the PCDC members. She said some development applications may not present an opportunity for greenbelt activity and therefore should not be required to submit a review to the GC. If the applicant indicates on the GES form there is no opportunity for greenbelt development, or if details of the application support such a finding, the Planning Director or his or her designee may issue a Finding of No Greenbelt Opportunity and the development application would not be reviewed by the GC. Other applications would be reviewed by the GC within the existing development timeline. The GC would provide an initial review after application for a Pre-Development Meeting is made with an official review by the GC occurring upon application for the Planning Commission.

Section 4-2028 provides guidelines by which the GC would review the GES submissions. It is not intended to regulate how property is developed; rather, the guidelines provide the tool for GC's comments about a proposed development.

Section 4-2029 requires all easements acquired by the City for expanding or enhancing the Greenbelt System be acquired in accordance with the guidelines and policies of the proposed ordinance and the subdivision regulations.

Ms. Walker said it should be noted the GC spent a considerable amount of time drafting the "whereas" clauses contained in the proposed ordinance and because the City does not typically include such clauses in its ordinances, it may be helpful to consider the effect of such language. She said if the ordinance were to be challenged, the fundamental rule employed by the Court would be to ascertain and give effect to the legislative intent, which is first divined from the language of the code provision itself. If the intent cannot be ascertained from the language itself, the rules of statutory construction are applied. The rules are typically invoked for the purpose of ascertaining the meaning of an undefined term, in which case the court might look to our other ordinances or even to the dictionary to define the term. Ms. Walker said it is not entirely clear what purpose the "whereas" clauses may serve in such an inquiry but it is unlikely the Court would use that language to ascertain legislative intent.

Councilmember Dillingham said she understands Staff's intent with the pre-ambulatory "whereas" clauses regarding the attempts at legislative intent, but felt legislative intent is clearly set out in Section 4-2026. She said when it is subjected to the rules for statutory construction coming forth through common law she felt it might be potentially confusing at the appellate level should the City ever have to go there with a lot of pre-ambulatory "whereas" clauses. Ms. Walker said when the Courts look at an ordinance to ascertain its meaning; if it is unclear they will try to stay within the ordinance. She said she could not find a case in Oklahoma where a "whereas" clause was the basis for legislative history and agreed Section 4-2026 does outline all the policies and adequate to show legislative intent if ever litigated. Councilmember Butler asked if the "whereas" clauses could be placed in an accompanying resolution and Council agreed that would be a better process.

Mayor Rosenthal asked for clarification of the proposed changes pertaining to the GES, specifically when there is no greenbelt opportunity, and asked if such would appear on the GC's agenda prior to going to the Planning Commission. Ms. Walker said because the decision would be made when the applicant applies for predevelopment, which is approximately a month before a Planning Commission, it would appear on the next available GC agenda, and therefore the GC would find out about the GES rather quickly. Mayor Rosenthal asked if the GC wished to comment on a particular finding of no greenbelt opportunity, would their comments become part of the public record and Ms. Walker said it could be included in the Staff report. Mayor Rosenthal felt any GC comments would be valuable.

City Council Study Session Minutes August 17, 2010 Page 3

Ms. Brenda Hall, City Clerk, said GC comments or concerns about the report could be noted in the GC minutes and go forward to the PC and Council. Councilmember Dillingham asked how the applicant would know if GC comments have been made and said one of the goals was to not have the applicant make an appearance at GC meetings resulting in a lesser charge for clients. Councilmember Cubberley asked what documentation will be submitted to the GC when a finding of no greenbelt opportunity exists and Ms. Walker said a copy of the GES as well as a detailed Staff report explaining the conditions that led to the finding. Council discussed and agreed the value of the comments, if any made, are important and Ms. Walker said the process can be refined to include any GC comments about no greenbelt opportunity.

Mayor Rosenthal said there is a desire for balance between the need for the GC to have some oversight for the greenbelt process, making sure the process goes smoothly, and does not add additional time or cost to the developer/applicant. She felt public record is important and having comments on the GC's agenda with the opportunity for comment does provide some oversight. She said it will at least draw attention to those applications where the GC's opinion might differ with the Staff's opinion. She felt it should be up to the development community to decide then whether the applicant would want to be at the meeting or not. Councilmember Kovach asked whether the GC's comments would override Staff's finding and Mayor Rosenthal said no. Councilmember Butler said the value is in the actual GC comments and those comments could be considered by the PC and Council. Councilmember Dillingham said if everything is going to the GC anyway then what is the value of an administrative bypass and Councilmember Cubberley felt putting the comments on a consent docket would take care of the issue. He said it will allow Staff to say whether the application warrants a full discussion and move forward. He felt the small amount of mistrust will be solved over time as Staff, GC, PC, and Council work through the process and a comfort level is obtained.

Councilmember Cubberley suggested putting no greenbelt opportunity findings on the GC consent agenda for a year; revisit and review the process at that time to make certain it is running smoothly and determine if any changes should be made. Councilmember Dillingham liked the idea of the consent docket because she felt it will give the developer(s) and/or applicant an opportunity to talk about any issues with either Staff, GC, etc. Mayor Rosenthal reminded the Committee even if items are put on the consent docket there may be occasions the items are pulled off the consent docket and agreed with Councilmember Cubberley that over time the concerns, issues, and process will become streamlined. The Committee discussed and agreed the no opportunity items should be put on consent docket and revisit this issue in a year to review the process.

Councilmember Kovach asked if easements could be acquired by the City for multiple purposes, i.e., trails along some of the drainage and storm water systems, and would it be possible for the City to obtain easements for maintenance purposes as well. Ms. Walker said she felt purposes for maintenance could be accommodated. Councilmember Kovach asked if there are tax incentives for citizens who wished to donate easements to the City and Ms. Walker said the City does not currently have any incentives; however, she believed there are tax benefits available but did not know the specifics.

Councilmember Kovach asked Staff to define "review" in the current ordinance Section 4-2025 and Ms. Walker said Council has the right to review everything the GC does, whether it is decisions or recommendations. Councilmember Kovach asked if "review" meant Council could override GC decision(s) or recommendation(s) and Ms. Walker said yes it does. Councilmember Dillingham felt the verbiage *decision* should be changed to evaluations or recommendations and the Committee agreed.

Councilmember Butler asked Staff to discuss Section 4-2023A(g), specifically Green Space definition and added language "...open to public use on such conditions as may be reasonably required by the granting authority." Ms. Walker said the verbiage was taken out of a memorandum based on PCDC feedback and the provision simply means if a citizen granted an easement to the City for a greenbelt, but wanted to put conditions on the easement such as they did not want it open for public access or only opened for public access during certain times; the granting authority would be the grantor of the easement and could request such provisions.

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Mayor Rosenthal said the GC has requested adding verbiage "...through conservation easements or other means." to Section 4-2026(d)(6) and said felt it was important and acknowledges the way the City has embraced agricultural lands within the City.

Mayor Rosenthal suggested Staff make changes and add the additional language to the proposed ordinance and bring back to the PCDC for review, then back to Council for consideration.

Items submitted for the record

The meeting adjourned at 6:17 p.m.

- 1. Memorandum dated August 11, 2010, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Honorable Mayor and Council Members
- 2. Proposed Ordinance No. O-1011-6
- 3. Article XXI Greenbelt Commission Norman City Code
- 4. City Council Planning and Community Development Committee Minutes dated May 21, 2010, June 11, 2010, and July 9, 2010
- 5. PowerPoint presentation entitled, "Proposed Amendments to the Greenbelt Ordinance," dated August 17, 2010

ATTEST:	
	,
City Clerk	

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES September 10, 2010

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 10th day of September, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and Chairman

Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal

Councilmember Carol Dillingham

Ms. Karla Chapman, Administrative Technician Ms. Susan Connors, Planning and Community

Development Director

Mr. Patrick Copeland, Development Services Manager

Mr. Ken Danner, Development Manager Mr. Shawn O'Leary, Director of Public Works Ms. Kathryn Walker, Assistant City Attorney Mr. Tom Knotts, Planning Commission Liaison Ms. Wanda Frost, Norman Builders Association

Mr. Harold Heiple, Attorney for Norman Developers Council

Ms. Jane Ingels, Greenbelt Commissioner Ms. Lyntha Wesner, Greenbelt Commissioner

Ms. Mary Francis, Sierra Club

CONTINUED DISCUSSION REGARDING THE PROPOSED GREENBELT ORDINANCE AND RESOLUTION SUPPORTING THE DEVELOPMENT OF A GREENBELT SYSTEM AND THE REVIEW OF CERTAIN DEVELOPMENTS BY THE GREENBELT COMMISSION.

The Planning and Community Development Committee (PCDC) considered proposed amendments to the Greenbelt Ordinance developed by the Greenbelt Commission (GC) during several meetings over the last few months, most recently in July 2010. Ms. Kathryn Walker, Assistant City Attorney, said Staff presented the proposed Greenbelt Ordinance to Council during a Study Session on August 17, 2010, and was instructed to bring additional language addressing the Greenbelt Enhancement Statement (GES) review process back to the PCDC for discussion and review. Ms. Walker provided three options and the procedures to the Committee as follows:

Option 1: Ms. Walker said the language proposed during the recent Council Study Session provided for an administrative bypass procedure similar to that employed by the Historic District Commission. She said this procedure would allow for Staff to review development applications prior to any review by the GC to determine whether any opportunity for greenbelt development existed and if a finding of No Greenbelt Opportunity was made by Staff, then such information would be provided to the GC in the form of a report at the next GC meeting. She said the application would go on to the Planning Commission (PC) and ultimately, to Council for review without input from the GC.

Option 2: Ms. Walker said the GC expressed concern with the original proposed language, Option 1, the process would eliminate their input on developments for which they may disagree with Staff as to whether opportunities for greenbelt development exist. She said Staff was instructed to develop language that would give the GC the opportunity to review Staff's decision and ultimately the development application if the GC disagreed with Staff's finding of No Greenbelt Opportunity. Option 2 is responsive to this request and would still provide for a potential administrative bypass, but Staff's finding of No Greenbelt Opportunity would be presented to the GC in a consent docket format. She said if a Greenbelt Commissioner believed Staff's decision to be in error, he or she could remove the item from the Consent Docket and it would be reviewed by the GC as any other development before the GC would be reviewed.

Planning & Community Development Committee Minutes September 10, 2010 Page 2

Option 3: Ms. Walker said the development community has also expressed concern about the review process because it would require review of developments with opportunities for greenbelt development by the GC two times. The first review will be upon application for a Pre-Development and the second review will be upon application for the PC to review. Ms. Walker said Option 3 provides for the same process regarding Findings of No Greenbelt Opportunity as in Option 2, but alters the review process to provide for only one review of applications that do not substantially change between the GC's initial review and application for PC consideration.

The Committee discussed and felt Option 3 would be best since it allowed the GC to review Staff decisions regarding "Findings of No Greenbelt Opportunity" and it also allowed the developer(s) to attend only one GC meeting if their application does not substantially change between applications for Pre-Development meeting and PC review. The Committee discussed the timing of the review process and language changes were suggested as follows:

- <u>Section 4-2025</u>: change "decisions" to "recommendations" to reflect the following, "...*recommendations* by the GC...," in recognition that they are an advisory board
- Section 4-2027(a): Submission: should be clarified regarding when GES is to be submitted
- Section 4-2027(c)(2)(a): delete "at the next Commission meeting"
- <u>Section 4-2027(c)(2)(b):</u> change the verbiage "after" to "when" to reflect the following, "...all other applications for which a GES is completed shall be considered by the GC for an initial review <u>when</u>..."

Ms. Walker said Council also requested Staff to remove the "whereas" clauses drafted by the GC from the ordinance and instead place them in a resolution. She distributed copies of the proposed resolution as well as proposed Ordinance No. O-1011-6 amending Chapter 4. Mr. Harold Heiple, Attorney for Norman Developers Council, objected to Sections 4 through 9 of the proposed resolution, but Councilmember Dillingham felt there was language to recognize the ordinance may not be applicable to all developments or all green spaces. However, Staff was directed to add "generally" to Section 5 and "often" to Section 9.

Councilmember Butler requested Staff make the changes discussed today and submit the ordinance for First Reading on the September 28th Council agenda.

Items submitted for record

- 1. Memorandum dated August 30, 2010, from Ms. Kathryn L. Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Planning and Community Development Committee Members
- 2. Greenbelt Commission Review Options dated August 30, 2010
- 3. Proposed Resolution Supporting the Development of a Greenbelt System and the Review of Certain Developments by the Greenbelt Commission
- 4. Proposed Greenbelt Ordinance O-1011-6

MISCELLANEOUS DISCUSSION

Ms. Susan Connors, Planning and Community Development Director, informed the Committee the lighting issue has been discussed at the Planning Commission (PC) meeting the previous evening, September 9, 2010. She said the main concern was not with new construction lighting issues, but with lighting issues on additions and/or remodel construction. She said the PC did not make as much progress as they hoped on this topic and will resume discussions at the next scheduled PC study session on September 23, 2010.

	The meeting adjourned at 8:31 a.m.		
A			
Aftest: City Clerk Mayor	Attest: City Clerk	Mayor	



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 8

Text File Number: O-1011-09

Introduced: 8/10/2010 by Doug Koscinski, Current Planning Manager

Version: 1

Current Status: Consent Item

Matter Type: Zoning Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-9 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THEIR SPECIAL USE FOR A CHURCH IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR LOTS 7 THROUGH 10 AND 21 THROUGH 32 OF BLOCK 34, AND LOTS 5 THROUGH 16, THE WEST 15 FEET OF LOT 19, AND LOTS 20 THROUGH 26, BLOCK 35, THE ORIGINAL TOWNSITE OF NORMAN, AND LOTS 7 THROUGH 10, BLOCK 3, COLLEY'S FIRST ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (211 NORTH PORTER AVENUE)

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-9 upon First Reading by Title.

ACTION TAKEN:	

Body

SUMMARY OF REQUEST: Although St. Joseph's Church has existed at this location for many years, a change in Norman's zoning procedures required that a Special Use be granted when the church re-opened their school building in 1996. Special Uses are controlled by a specific site plan, which regulates or authorizes specific use of the site. The site plan that accompanied that approval was subsequently amended in 1997 to allow additional portable classroom buildings (which have since been removed) and again in 1998 when the new Family Life Center was proposed on the north side of Acres Street. Due to heavier use of that new building, the church is now proposing an additional parking area on the south side of Acres that would serve both the Family Life Center and the main church on Porter. The second phase of their parking project would reconfigure the existing parking lot that is north of the church and add landscaping between the lot and Porter Avenue. The existing residence has been demolished, and is scheduled to be replaced once a final design has been approved, and will again serve as the home of the church's pastor. The architect for the project indicates that the new rectory will be designed to be compatible with the materials in the existing church.

<u>ANALYSIS:</u> The church is located within the Porter Corridor, and appealed the administrative delay, which has now expired, imposed during the plan's preparation. That appeal was granted, and the church is now seeking approval to amend their existing Special

Use. The Zoning Overlay District that was adopted imposes development restrictions for new parking areas that seek commercial zoning and are adjacent to low density residential uses. In this case, neither the proposed new lot nor the existing lot is near any residential homes, and those restrictions do not apply in this case. The Planning Commission, by a vote of 9-0, recommended adoption of Ordinance No. O-1011-9 at their meeting of September 9, 2010. Attached are copies of the ordinance, location map, staff report, site plan, and excerpts from the Planning Commission minutes.

STAFF RECOMMENDATION: The new parking lot will not result in any negative impacts on any nearby neighborhoods, and will provide some needed off-street parking. Retrofitting the existing parking lot will simply enhance its appearance from Porter Avenue. Staff recommends approval of this amendment to the existing Special Use.

O-1011-9

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THEIR SPECIAL USE FOR A CHURCH IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR LOTS 7 THROUGH 10 AND 21 THROUGH 32 OF BLOCK 34, AND LOTS 5 THROUGH 16, THE WEST 15 FEET OF LOT 19, AND LOTS 20 THROUGH 26, BLOCK 35, THE ORIGINAL TOWNSITE OF NORMAN, AND LOTS 7 THROUGH 10, BLOCK 3, COLLEY'S FIRST ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (211 NORTH PORTER AVENUE)

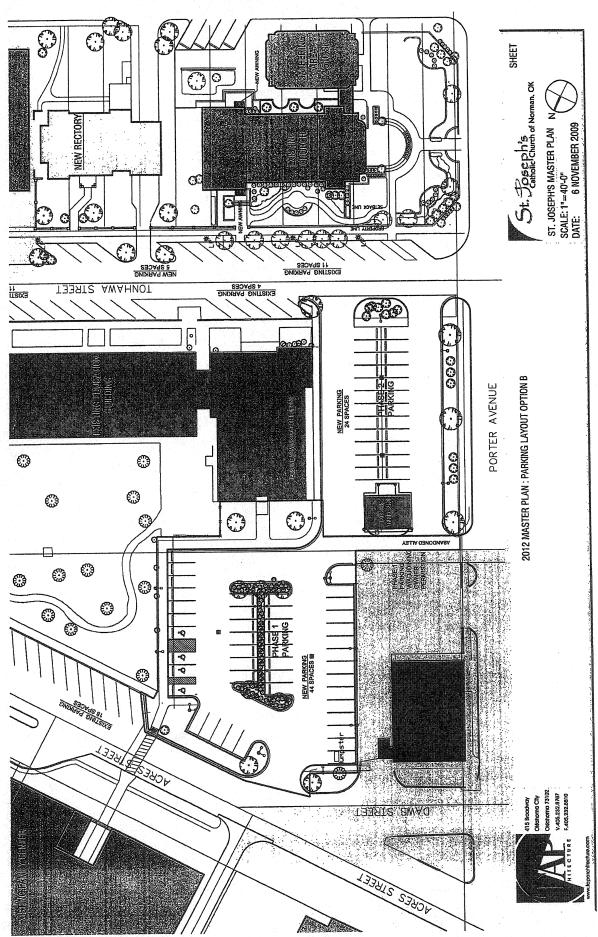
- WHEREAS, St. Joseph's Catholic Church, the owners of the hereinafter described § 1. property, have made application to amend their Special Use for a Church in the R-3, Multi-Family Dwelling District; and
- WHEREAS, said application has been referred to the Planning Commission of said City 2. § and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such special use; and
- WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered § 3. said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

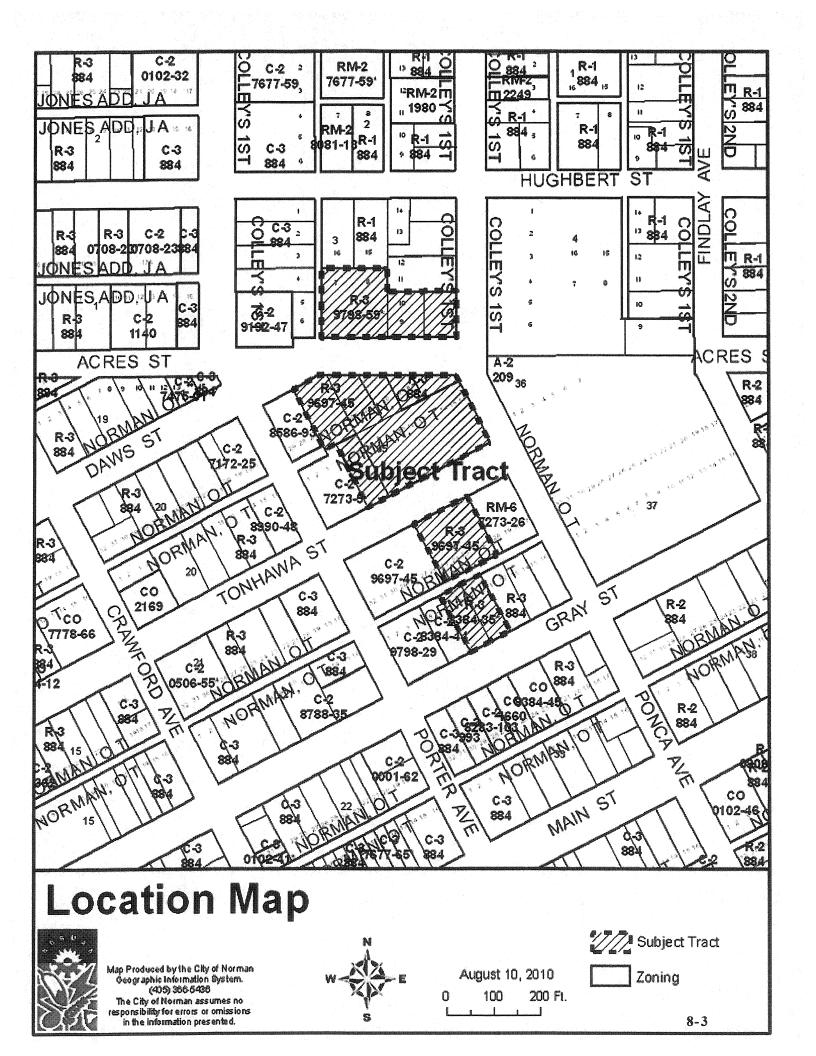
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby 4. § amended so as to amend the Special Use for a Church in the R-3, Multi-Family Dwelling District, to wit:

> Lots 7 through 10 and 21 through 32 of Block 34, and Lots 5 through 16, the west 15 feet of Lot 19, and Lots 20 through 26, Block 35, the ORIGINAL TOWNSITE of Norman, and Lots 7. through 10, Block 3, COLLEY'S FIRST ADDITION to the City of Norman, Cleveland County, Oklahoma.

Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of 5. § Norman, as amended, the following conditions are hereby attached to the zoning of the tract:





ORDINANCE NO. ZO-1011-5

ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT St. Joseph's Catholic Church

REQUESTED ACTION Amendment of a Special Use for a Church to

allow reconstruction of a parking lot, construction of a new parking lot, and

construction of a new rectory

EXISTING ZONING R-3, Multi-Family Dwelling District with

Special Use for Church

SURROUNDING ZONING

North: R-1, Single Family District

East: A-2, Rural Agricultural District

South: C-2, CO, R-3

West: C-2, General Commercial District

LOCATION 211 North Porter Avenue

SIZE 4.19 acres

PURPOSE Parking and Rectory

EXISTING LAND USE Various Church Uses

SURROUNDING LAND USE North: Residential

East: School

South: Commercial

West: Commercial

LAND USE PLAN DESIGNATION Institutional

GROWTH AREA DESIGNATION Current Urban Service Area

SYNOPSIS: St. Joseph's Church is seeking approval to amend the previously approved Special Use for their site located along Porter Avenue, in order to construct additional parking, revise an existing parking lot, and construct a replacement rectory. Special Uses are controlled by a specific site plan, which regulates or authorizes use of the site.

ANALYSIS: Although St. Joseph's Church has existed at this location for many years, a change in Norman's zoning procedures required that a Special Use be granted when the church re-opened their school building in 1996. The site plan that accompanied that approval was subsequently amended in 1997 to allow additional portable classroom buildings (which have since been removed) and again in 1998 when the new Family Life Center was proposed on the north side of Acres Street. Due to heavier use of that new building, the church is now proposing an additional parking area on the south side of Acres that would serve both the Family Life Center and the main church on Porter. The second phase of their parking project would reconfigure the existing parking lot that is north of the church and add additional landscaping along Porter Avenue.

The existing residence has been demolished, and will be replaced once a final design has been approved, and will again serve as the home of the church's pastor. No special review is necessary for that replacement. The architect has indicated that the new rectory will be designed to be compatible in materials with the existing church.

ISSUES:

- ZONING OVERLAY DISTRICT The city recently adopted a Zoning Overlay District for properties within the Porter Avenue Corridor which was designed to control commercial expansion and impose development restrictions when new parking areas are proposed adjacent to low-density residential uses. In this case, there are no residential structures that will abut either parking area, and no special consideration is needed in the design of the lots.
- IMPACTS The new parking lot will be located across the street from the Family Life Center, with direct access to Acres Street. That driveway location has been reviewed by the Traffic Engineer, who agrees with the lot design and driveway location. Some existing "cut-back" parking will be removed to improve the sight distance for the driveway. The parking lot will also connect to the existing lot which is adjacent to Porter Avenue, providing a logical cross-connection that will help traffic flow.
- **LANDSCAPING** The new lot will be landscaped in conformance with current requirements, and the existing lot will be retrofitted to provide a new buffer between the parking lot and the Porter Avenue sidewalk.

STAFF RECOMMENDATION: The new parking lot will not result in any negative impacts on the surrounding neighborhood, and will provide some needed off-street parking. Retrofitting the existing parking lot will simply enhance its appearance from Porter Avenue. Staff recommends approval of this amendment to the existing Special Use.

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES

SEPTEMBER 9, 2010

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of September, 2010. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:35 p.m.

Item No. 1, being: ROLL CALL

MEMBERS PRESENT

Cynthia Gordon
Diana Hartley
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning & Community Development

Doug Koscinski, Manager, Current Planning

Division

Ken Danner, Development Coordinator Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney

Larry Knapp, GIS Analyst

* * *

Chairman Trachtenberg welcomed new Commissioner Cynthia Gordon.

* * *

Item No. 10, being:

Ordinance No. O-1011-9 - St. Joseph's Catholic Church requests amendment of a SPECIAL USE TO ALLOW RECONSTRUCTION OF A PARKING LOT, CONSTRUCTION OF A NEW PARKING LOT, AND CONSTRUCTION OF A NEW RECTORY FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED ON THE EAST SIDE OF NORTH PORTER AVENUE BETWEEN ACRES STREET AND TONHAWA STREET.

ITEMS SUBMITTED FOR THE RECORD:

- Location Map
- Staff Report 2.
- Site Plan 3.

PRESENTATION BY STAFF:

- Doug Koscinski reported that this is the fourth time that this tract has been before the Planning Commission and City Council. Since 1986 there has been a special use for churches in all of our residential zoning districts, and most of this tract is zoned residential. The church and the parking lot that is being reconfigured are both zoned commercial on the south side of Tonhawa. Those uses are allowed in commercial zoning districts. The property is mostly used and consumed for church purposes at this point. They have parking all the way down to Gray. The church, the rectory, the child development center, and the family life center. The church itself faces Porter. The first site is on the south side of Acres, at the north end of their property. It is currently vacant, but was in the past used for preschool with a couple of buildings. It is directly across the street from their family life center and this part of their campus needs more parking. It abuts their own playground and other church uses. It lies behind Ardella's flower shop, which fronts on Porter. It doesn't abut any residential uses. The second part of their application would redo the existing parking lot at the northeast corner of Tonhawa and Porter. It is an older parking lot with no landscaping and with older lighting. Their proposal is to reconfigure the lot and install some landscaping along Porter, thus enhancing and bringing it into compliance with the current ordinances. North of that is their thrift center, which will remain in their parking lot. It abuts their Child Development Center and is directly across the street from the church and provides a primary parking area for the church on weekends. It is on Porter and faces other commercial uses across the street. The last part of the project is that their old rectory was demolished; there were some code or health issues with the building. rebuilding the rectory; it is essentially a house replacing a house. The only non-church use abutting this is a small apartment complex to the north. We received no filed protests. Staff supports the special use amendment; it is a relatively minor modification.
- Chris Lewis asked whether the proposed landscaping along Porter will bring it into 2. compliance with the Porter Corridor project. Mr. Koscinski replied that they will be landscaping along Porter and they have pulled the parking in from the street and the center island will have some landscaping. It will be in rough compliance. They are not required to, since it is an existing parking lot that is not being rezoned or expanded.
- Zev Trachtenberg asked if the proposal is broadly in keeping with the Porter plan. Mr. 3. Koscinski responded that he thinks it is. The church is really just enhancing what they've got and filling in a couple of holes and not impacting any additional properties.

PRESENTATION BY THE APPLICANT:

- John Ward, 2723 Poplar He is a parishioner at the church, a member of their building committee, and a member of the architectural firm that is assisting with some of the documents. The plans currently are preliminary in nature. The current plan is to resurface the grass area, and a second phase would be to resurface the existing parking lot. They started this project a long time ago and were waiting to see what was going to happen with Porter before they made a big investment. His firm is not the architect for the rectory, but it went to the archdiocese and building committee and received approval. He doesn't know what the schedule is for that, but it is moving along. The rectory site is to the east of the church and the old rectory has been demolished.
- Zev Trachtenberg asked whether approval would include considerations for runoff. Mr. Ward indicated they have been working with staff through the preliminary plans, but they have not finalized the plans.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Ordinance No. O-1011-9 to the City Council. Diana Hartley seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, YEAS

Cynthia Gordon, Roberta Pailes, Andy Sherrer, Jim

Gasaway, Zev Trachtenberg

None **NAYES**

None MEMBERS ABSENT

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. O-1011-9 to the City Council, passed by a vote of 9-0.

* * *



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 9

Text File Number: O-1011-11

Introduced: 9/15/2010 by Blaine Nice, Asst City Attorney

Version: 1

Current Status: Consent Items

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 16-603(A) OF CHAPTER 16 OF THE CODE OF THE CITY OF NORMAN TO CLARIFY RECOUPMENT CALCULATIONS WHEN UTILITIES HAVE PREVIOUSLY BEEN CONSTRUCTED BY THE PROPERTY OWNER OR WHEN BOND FUNDS ARE APPLIED TO A PROJECT SUBJECT TO RECOUPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Reading by Title.	Motion to introduce and adopt Ordinance No.	O-1011-11 upon First
ACTION TAKEN: _		
Body		

BACKGROUND: The Recoupment Ordinance found at Sec. 16-601 of the Norman City Code was adopted by City Council in 1997 and was revised in 2002. The purpose of the Recoupment Ordinance is to allow the City to fund the initial cost of public improvements including construction of arterial streets, purchase of right-of-way, and the installation of utilities that would normally be constructed by the developer at the time of platting property. In order for a project to be a part of a recoupment district a resolution is passed by Council declaring the project to be in a recoupment district. Once final costs of the project are determined, Council passes a resolution declaring those final costs to be recouped. Recoupment fees are waived if property is not platted/developed within twenty (20) years.

In 1992 voters approved General Obligation bonds for construction of the Tecumseh Road Project. In 1997 City Council declared a recoupment district for Phase I of the Tecumseh Road Project. Since that time, recoupment districts have been declared for all phases of the Tecumseh Road Project with the exception of Phase 2 which included property that was largely within the flood plain and, therefore, would not be subject to development. As a result of the length of time and the scope of the Project, various issues arose with respect to recoupment of the costs of this Project. The first issue was whether or not utility costs should be recouped when a developer had previously paid for the relocation or installation of utilities that later had to again be relocated. Secondly, whether or not a project could be the subject of recoupment if there was bond money or other money that the City was not obligated to repay was debated. Consequently, based upon these issues, a proposed amendment to the Recoupment Ordinance has been proposed to clarify these issues.

<u>DISCUSSION</u>: Attached hereto is the proposed ordinance amending Sec. 16-603(a) of Chapter 16 of the Code of the City of Norman Ordinances concerning arterial street construction. These proposed amendments are the result of meetings with developers and discussions with Council at the September 7, 2010 Study Session. The Recoupment Ordinance requires that utility adjustments or relocations are subject to recoupment. However, the issue has arisen that in a case where a developer had previously installed or relocated utilities, then it is unfair to require that those costs be included in a recoupment calculation if the City requires that those utilities be relocated as part of the project. Therefore, the proposed amendment clarifies that when utility or relocations are included in recoupment and those utilities have previously been constructed by the property owner in accordance with City Ordinances and regulations existing at the time of the construction that they are not included in recoupment calculations.

The other proposed amendment to Sec. 16-603(a) provides that in those projects where bond money or other funding source(s) that the City is not required to repay should not be included in recoupment calculations. An issue had been raised that the language seemed to indicate that in the event "any" funds which were used in a project that were not subject to repayment, then none of the project costs could be recoupable. The proposed amendment clarifies that only those funds that are repayable are not included in recoupment calculations; however, the other construction costs may be included in a recoupment district.

STAFF RECOMMENDATION: Based upon the above and foregoing, City Staff is submitting the proposed amendments to Sec. 16-603(a) as set out in Ordinance O-1011-11 for Council's consideration.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 16-603(A) OF CHAPTER 16 OF THE CODE OF THE CITY OF NORMAN TO CLARIFY RECOUPMENT CALCULATIONS WHEN UTILITIES HAVE PREVIOUSLY BEEN CONSTRUCTED BY THE PROPERTY OWNER OR WHEN BOND FUNDS ARE APPLIED TO A PROJECT SUBJECT TO RECOUPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 16-603(a) of Chapter 16 of the Code of the City of Norman shall be amended to read as follows:

Sec. 16-603. – Arterial street construction: Recoupment of costs for additional construction.

All eligible costs for additional improvements to arterial streets shall be recoverable by the owner, the City, or both as appropriate. Eligible recoverable arterial street development costs include the total improvement costs of the street, including, but not limited to, all right-of-way costs (both temporary and permanent) and costs for engineering, surveying, utility adjustments or relocation (unless utilities have been previously constructed by the property owner in accordance with City ordinances and regulations existing at the time of their construction), excavation, subgrade preparation, storm sewer installation or relocation (including culverts and bridges), four-lane pavement construction and turn lanes (in accordance with the City of Norman's Transportation Plan), signalization, curbs and gutters, sidewalks, lighting, signage, other traffic control devices and other amenities, as might be required, plus two (2) percent of the total of all above costs as an administrative fee to the City. It is the intent of this ordinance to assess against an abutting property owner those costs that would normally be borne by the land developer at the time the recoupment project is declared. However, it is recognized that multiple funding sources are often utilized to complete arterial street projects and that the City does not intend to collect as a recoupable cost any funds in excess of those needed to complete the designated recoupment project. To that end, a recoupable cost shall not include those costs that are funded by general obligation bonds or funds from any other governmental entity which are not subject to repayment by the City. Further, proceeds from general obligation bonds that are to be applied to a voter approved project shall be applied pro-rata on a linear foot basis to all property owners abutting the project when calculating recoupable project costs. Any of the above items paid for by general obligation bonds or funds from any other governmental entity which are not subject to repayment by the City of Norman shall be deducted in determining the total recoupable improvement costs, except for right-of-way costs provided for in subsection (b) below. All other costs are subject to be recovered pursuant to the provisions of this section.

ordinanc jurisdicti and such except t	e is, for any reason, held in ion, such portion shall be de a holding shall not affect the	ection, sentence, clause, phrase, or avalid or unconstitutional by any co- emed a separate, distinct, and indep- evalidity of the remaining portions of evision shall not be severable fro	ourt of competent endent provision, of this ordinance,
ADOPTED this	day	NOT ADOPTED this	day
of	, 2010.	of	, 2010.
Cindy Rosentha	ıl, Mayor	Cindy Rosenthal, Mayor	
ATTEST:			
Brenda Hall, Ci	ty Clerk		

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 16-603(A) OF CHAPTER 16 OF THE CODE OF THE CITY OF NORMAN TO CLARIFY RECOUPMENT CALCULATIONS WHEN UTILITIES HAVE PREVIOUSLY BEEN CONSTRUCTED BY THE PROPERTY OWNER OR WHEN BOND FUNDS ARE APPLIED TO A PROJECT SUBJECT TO RECOUPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 16-603(a) of Chapter 16 of the Code of the City of Norman shall be amended to read as follows:

Sec. 16-603. – Arterial street construction: Recoupment of costs for additional construction.

All eligible costs for additional improvements to arterial streets shall be recoverable by the owner, the City, or both as appropriate. Eligible recoverable arterial street development costs include the total improvement costs of the street, including, but not limited to, all right-of-way costs (both temporary and permanent) and costs for engineering, surveying, utility adjustments or relocation (unless utilities have been previously constructed by the property owner in accordance with City ordinances and regulations existing at the time of their construction), excavation, subgrade preparation, storm sewer installation or relocation (including culverts and bridges), four-lane pavement construction and turn lanes (in accordance with the City of Norman's Transportation Plan), signalization, curbs and gutters, sidewalks, lighting, signage, other traffic control devices and other amenities, as might be required, plus two (2) percent of the total of all above costs as an administrative fee to the City. It is the intent of this ordinance to assess against an abutting property owner those costs that would normally be borne by the land developer at the time the recoupment project is declared. However, it is recognized that multiple funding sources are often utilized to complete arterial street projects and that the City does not intend to collect as a recoupable cost any funds in excess of those needed to complete the designated recoupment project. To that end, a recoupable cost shall not include those costs that are funded by general obligation bonds or funds from any other governmental entity which are not subject to repayment by the City. Further, proceeds from general obligation bonds that are to be applied to a voter approved project shall be applied pro-rata on a linear foot basis to all property owners abutting the project when calculating recoupable project costs. Any of the above items paid for by general obligation bonds or funds from any other governmental entity which are not subject to repayment by the City of Norman shall be deducted in determining the total recoupable improvement costs, except for right-of-way costs provided for in subsection (b) below. All other costs are subject to be recovered pursuant to the provisions of this section.

Brenda Hall, City Clerk

DISCUSSION REGARDING NORMAN RECOUPMENT ORDINANCE INCLUDING THE TECUMSEH ROAD RECOUPMENT PROJECT.

Mr. Shawn O'Leary, Director of Public Works, said prior discussion about the Tecumseh Road Project (TRP) Recoupment Ordinance was at a Council Study Session August 25, 2009. He said the key issue was whether the use of revenue sources on a project that are reimbursable to the City preclude use of a recoupment process as a source of revenue for that project. He said the question of whether the City can also have recoupment process if bond funds are used for a project was raised during the Tecumseh Road Recoupment District (TRRD) and said that is precisely the way the previous recoupment ordinance has been interpreted for the last 13 recoupment projects.

Staff previously provided three options for the TRRD at the Council Study Session and Council inquired about the possible impact each option would have on other recoupment projects. He said Council directed Staff to review the Recoupment Ordinance language and the budget impacts of the three options as proposed by Staff.

Mr. O'Leary said the Recoupment Ordinance was adopted in February 1997, revised in 2002, and addresses gaps in paving that occur when owners of adjoining property do not all develop at the same time. He said the Ordinance allows the City to "up front" the development cost and recoup the cost later and owners reimburse the City only if property is platted and developed within twenty years after the recoupment ordinance is adopted by Council. The ordinance encourages the property owners to dedicate right-of-way (ROW) that would have been dedicated in the normal development process and allows the developers to pay their fair share of adjacent street costs. Mr. O'Leary said Council allocated \$1.3 million in General Funds in 1997 to start up the Recoupment Fund and the Ordinance recognizes property owners are responsible for the initial cost of arterial streets abutting their property, including ROW, utilities, and construction. He said the ordinance allows the City to fund such improvements from the Capital Fund and to recover the out-of-pocket cost through a recoupment district. The Recoupment Ordinance requires a Resolution to declare the recoupment district and another Resolution to declare the final costs. Recoupment fees are reduced by 20% per year after the 15th year and waived if property is not platted and developed within 20 years.

Nineteen Recoupment projects have been approved since 1997, the total fees assessed have been \$3,001,408 and the City has collected \$361,635 in recoupment fees. Mr. O'Leary said 13 of the projects have final cost resolutions and six are pending final cost resolutions, with TRPs being two of the six. Mr. O'Leary noted recoupment projects are all different and have different costs in terms of ROW, utilities, and construction.

Mr. O'Leary highlighted the three options presented to Council in August 2009 as follows:

- ✓ Option 1: Cancel All Tecumseh Recoupment Districts: Pros: Addresses concerns of objecting property owners. Cons: Maximum City budget impact of \$677,720 and complexities of refund process
- ✓ Option 2: Equitable Distribution of Bond Funds to All Phases: Pros: Addresses some concerns of objecting property owners. Cons: Loss of City revenues; complexities of refund process; not provided for under Norman Recoupment Ordinance; and creates inequities in other City funding sources.
- ✓ Option 3: Adopt Final Recoupment Resolution as Proposed for Phases IIIB & IIIC: Pros: Complies with past application of Recoupment Ordinance; potential to replenish City Recoupment Fund (\$384,170); and equity with Phases I and IIIA. Cons: Does not address concerns of objecting property owners; objecting property owners may legally challenge a Recoupment Ordinance.

Councilmember Ezzell said if the City's collection rate is 12%; the actual figure for Option 1 should be \$80,000 instead of \$677,720 and Mr. O'Leary said that may be correct since the City is not collecting 100%, He said the \$677,720 figure is the "upper" end of the impact.

Mr. O'Leary felt Option 2 was not done because the TRP will have taken 22 years from its conception in 1997 to completion in 2013. He feels Council's thinking in 1997 was to spend the bond funds primarily on Phase I resulting in fewer bond funds available for the remaining TRPs. Councilmember Ezzell said this would seem to present an inherent inequity in this process. He said if property owners were lucky enough to be on the front end of the TRP they benefited by paying less recoupment because of the off-set of the bond funds, but if a property owner is on the back end of the TRP process they will not receive the same benefit. Mr. O'Leary said the City did spend some of the bond funds on ROW and engineering for the entire project and the TRP is the anomaly in the entire 19 Recoupment projects, stating it is the only recoupment project to date that has taken 22 years to complete, cost \$32 million, and was constructed in five phases.

Mr. Jeff Bryant, City Attorney, highlighted potential recoupment ordinance amendments to Council as follows:

- Clarify project improvement costs are not subject to recoupment any time bond funds or non-city funds not subject to repayment are used for any portion of a project; or
- Clarify project improvement costs funded by General Obligation (GO) bond funds and non city funds are not subject to repayment by City and can not be added to the recoupable costs total; and eliminate "utility adjustments or relocation" costs from the recoupable costs total;
- Determine whether clarifying ordinance amendments would be prospective in nature meaning they would only apply to future recoupment districts.

Mr. Bryant said Staff met with a developer concerned about applying bond funds pro-rata and added language to the proposed ordinance "proceeds from GO Bonds that are to be applied to a voter approved project shall be applied pro-rata on a linear foot basis to all property owners abutting the project when calculating recoupable project costs." He said the City anticipated a large portion of the TRP would never be a recoupable project since most of that area is in the flood plain; i.e., the west end going out towards Western and 60th Avenue N.W.; therefore the City felt it would not make sense to create a recoupment project because development would not likely be done within the twenty year timeline. Mr. Bryant said when the City applied the GO Bond funds on a lineal foot basis through the entire project it actually ended up resulting in a greater assessment to some of the property owners that had recoupment projects established. He said this points out some of the difficulties into trying to do a "one size fits all" recoupment projects through this ordinance whereas when ever there if bond funds available they must be spread out on a pro-rata basis throughout the recoupment project. He said as Mr. O'Leary mentioned earlier, not all recoupment projects are created equal, some have large tracts and perhaps not suitable for recoupment; some have a different mix of funding, i.e., County, ACOG, GO Bonds, and recoupment. He said if Council would like Staff to move forward with the proposed draft language it does try to apply the bond funds on a lineal foot basis throughout the entire project.

Mr. Bryant said another proposed amendment deletes the verbiage "utility adjustment or relocation" in Section 16-603(a). Therefore the City would not recoup those fees which are normally a development fee. He said it is sometimes difficult to encourage a property owner to donate ROW because the ROW donation would occur anyway if the property were going to be developed and then for the City to come back later and access the property owners additional utility relocation fees is tough. He said it is a delicate balance and Staff is open to whatever Council feels is appropriate.

Councilmember Kovach said he was concerned about proposed language and asked Staff if language could be crafted to exclude the University North Park Tax Increment Funds (UNPTIF), since an element of the UNP Project Plan includes recoupment funds. Mr. Bryant said the UNP Project Plan would probably fall into the category of funds for which the government would not be subject to repay the City. He said if the City opted to utilize TIF funds for a portion of a project that would normally be subject to recoupment they would be excluded and if the City opted to not utilize TIF funds they would be included. Councilmember Dillingham asked why would specific TIF language be needed and Councilmember Kovach said because the project plan calls for a lot of the projects in the TIF district to be paid for with the recoupment ordinance and if the City was going to reduce the amount coming from those properties and increase the amount that will be going on the TIF.

Councilmember Kovach said in the UNPTIF District Project Plan there is a section that discusses some of the roadway projects are anticipated to use recoupment fees to help fund the road improvements. Mr. Bryant introduced Ms. Emily Pameroy with Dan Batchelor's firm and said she was involved in drafting the UNPTIF District Project Plan. Ms. Pameroy said she was not aware of that particular provision in the UNPTIF Project Plan and said she would check over the Plan while Council continued discussion. Mr. Bryant said the City had discussed early in the process using a recoupment ordinance to do the Rock Creek Overpass but chose not to do so because the fees were waived for Embassy Hotel Conference Center, and after going through the project plan amendment process which allowed some of the TIF funds to be allocated for Rock Creek Road. Mayor Rosenthal clarified that property was not in the TIF District and Mr. Bryant said yes. Councilmember Ezzell said he was concerned about the inequities of future TRP and if the "pro-rata" language is not used, how can the City assure future participants equitable disbursements. Mr. Bryant said Council could choose to do so prospectively and it would not affect future TRP and Staff has discussed the need to use flexibility with the Public Works and Finance Departments if bond funds needed to be spent in a timely manner in order to avoid arbitrary issues. He felt the proposed language addresses that particular issue because it discusses when calculating recoupable project costs therefore he does not feel it would prohibit the City from spending bond funding in a timely manner. Councilmember Ezzell said based on the ordinance language could the City do the accounting reconciliation and spend the bond money however the City chooses and Mr. Bryant said yes, the language allows the approach of what property owners will pay will be equalized without hampering the spending timeline of the bond funds.

Councilmember Cubberley said one way to control the bond funds is to be more specific in terms the project the City is actually targeting instead of a general program that has a twenty year plus timeline. He said the TRP has gone on for years in terms of new authorizations and new federal and state monies and the City should be much more targeted in the scope of the project when using GO Bond(s).

Mr. O'Leary said the possible impact of the recommended ordinance amendments include: clarification of Recoupment Ordinance relative to use of bond funds; continued collection of recoupment fees for construction costs and ROW costs; collection of up to 40% fewer recoupment fees on most projects, by dropping "utility relocation and adjustment" costs; resolves Tecumseh Road Recoupment objections, as they relate only to "utility relocation and adjustment" costs; and if applied prospectively, potential refund costs from previous recoupment district of up to \$247,700.

Mr. O'Leary said the remaining issues of the TRP include: construct Phase II (60th Avenue N.W. [Western]), which is not anticipated to be a recoupment project; Council consideration of final recoupment Resolution, Phase IIIB (portion including Sysco); Council consideration of final recoupment Resolution, Phase IIIC (12th Avenue NW to 12th Avenue NE). Mayor Rosenthal asked Staff if the new language would apply to projects not yet finalized and Mr. Bryant said yes because the final resolution declaring costs would not come into effect until after this ordinance was amended. Mayor Rosenthal asked if some of the recoupable amounts would be affected on those projects already finalized.

Councilmember Cubberley asked about the rationale for deleting utility relocation costs and said even though it is City utilities, the City has to spend money to relocate. Mr. O'Leary said the utility relocation that occurs are typically on the federal projects and many times, the development properties have already built a portion of the utilities; unfortunately, they built them in areas where they needed to be relocated and the developers feel they are getting double taxation for the same utility costs. Another argument is that the utility relocations should be paid by the utility company. Mayor Rosenthal asked if language could be added to catch instances where a developer installs infrastructure and the City makes them relocate so the City will have a way to deal with these exceptional cases without making an exception to the rule. Mr. Bryant said he felt the utility adjustments could be a recoupable cost and the City could carve out that exception. Councilmember Cubberley felt uncomfortable changing the ordinance because of this one issue and Councilmembers agreed and Councilmember Dillingham

asked what could be done instead. Mr. Bryant said Staff can move forward with the final recoupment resolutions for Phase III B and C and remove the utility relocation from those projects that meet the criteria discussed. Councilmember Cubberley asked how many recoupment projects with the final resolution in place involve utility relocations and Mr. O'Leary said approximately ten. Councilmember Cubberley felt it would be better for the City to address that specific situation and eliminate utilities from the entire project. Mayor Rosenthal said direction to Staff will be to proceed with the ordinance amendment including the prorata clause and try to reach a settlement in this particular case, which makes a strong argument that the policy should include utility adjustments for relocation.

Items submitted for the record

- 1. Memorandum dated September 2, 2010, from Jeff Bryant, City Attorney, and Shawn O'Leary, Director of Public Works, to Honorable Mayor and Councilmembers
- PowerPoint presentation entitled "Norman Recoupment Ordinance Including Tecumseh Road Project," City Council Conference dated September 7, 2010
- 3. Draft Ordinance
- 4. Pertinent excerpts from City Council Conference minutes of August 25, 2009

DISCUSSION REGARDING UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT ECONOMIC DEVELOPMENT.

Mr. Bryant said tonight's discussion involves the Norman Economic Development Coalition (NEDC) acquiring the first economic development tract in the UNPTIF. He said in 2006, the project plan identified economic development as a component of the UNPTIF, which made is eligible since the property was in a enterprise zone. He provided a history of the progress of the economic development component. He said the final plat for the UNPTIF Corporate Center was approved by Council in 2008 and Development Agreement No. 4 authorized the use of the tax increments to fund economic development and referenced three components of the project plan, which were the 10% retail sales tax increment, the ad valorem tax from the economic development tract, and the economic development sales tax increment.

Mr. Bryant said economic development costs of the UNPTIF are intended to foster special employment opportunities for Norman including the cost of planning, financing, assistance in development financing, acquiring, constructing, and developing facilities to foster such opportunities. He said the project plan sets out \$8.25 million, 50% of ad valorem taxes for economic development tract were set aside, 10% UNPTIF sales tax apportioned for economic development, currently \$926,182, and economic development sales tax increment references the sales tax tied to the new Quality Jobs Payrolls.

Mr. Bryant said a revised final plat in June 2010, changed the economic development tract from 28 acres to 30 acres. He said the OU Foundation and NEDC have been modifying the purchase and sale agreement to facilitate bank financing and property closing was extended to September 30, 2010. He said part of the agreement was to allow the economic development revenue stream to serve as credit enhancement for the purchase of the property by NEDC from the OU Foundation. He said the loan would be between Republic Bank and NEDC and the City would simply provide the credit enhancement that would allow the loan to be bankable. Mr. Bryant said Republic Bank was asked by NEDC to help put the loan together, but Republic Bank will not be the only bank involved. He said the pledge of accumulated revenues could be used or debt financing and Council preferred the accumulated revenues.

Mr. Bryant said there had been discussion regarding the type of Public Trust that could be used, a broader Public Trust or the existing Norman Tax Increment Finance Authority (NTIFA). He said the first debt financing was authorized in 2009 in the amount of \$14.56 million. He said the Trust could make the pledge or issue debt for the UNPTIF economic development activities without having to form a new Trust. Mr. Bryant said the purchase and sale agreement is between NEDC and OU Foundation to purchase 30 acres for \$1.25 per square foot for a total of \$1,633,500.



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 10

Text File Number: O-1011-12

Introduced: 9/14/2010 by Jeanne Snider, Asst City Attorney

Version: 1

Current Status: Consent Item

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-12 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 20-544 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN REQUIRING A MOTOR VEHICLE KEEP A SAFE DISTANCE WHEN OVERTAKING AND PASSING OF A BICYCLE PROCEEDING IN THE SAME DIRECTION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-12 upon First Reading by Title.

ACTION TAKEN:	
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Body

BACKGROUND: The Bicycle Advisory Committee and Norman citizens have expressed concern about the safety of persons riding bicycles on city streets and the danger of being struck by a person driving a motor vehicle while overtaking the bicycle. Due to the heavy volumes of traffic and vehicles traveling at high speeds, bicyclists are often in danger of being struck by a passing vehicle.

DISCUSSION: The City of Norman encourages the use of healthy and efficient transportation alternatives for the motoring public. The City annually promotes "Bike to Work Day". The City's website states in the online Norman Bike Plan Brochure that since January, 1993, the collective thinking of Norman's citizens, bicyclists, policy makers, planners and professional consultants has been focused on creating a bicycle-friendly city in an economical, efficient, environmentally-sound manner to minimize traffic congestion, air pollution, and fossil fuel depletion. In order to be a bicycle-friendly city, it is important for the City to have ordinances that protect bicyclists.

The City does not have an ordinance which regulates a motorist safely passing a bicycle. The State of Oklahoma addresses this issue in Title 47 O.S. §11-1208(A). The proposed ordinance will reflect Title 47 O.S. §11-1208(A) and state as follows:

When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle. This would be considered a moving violation and the fine for this offense would range from \$35.00 to \$200.00.

On July 20, 2010, the Bicycle Advisory Committee met with City Council to discuss creating an ordinance that would regulate a motorist safely passing a bicycle. On August 26, 2010, recommendations for a proposed bicycle ordinance were presented to the Transportation Committee and approved.

RECOMMENDATION: Based upon the above and foregoing, this ordinance is submitted for Council's consideration.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 20-544 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN REQUIRING A MOTOR VEHICLE TO KEEP A SAFE DISTANCE WHEN OVERTAKING AND PASSING OF A BICYCLE PROCEEDING IN THE SAME DIRECTION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 20-544 of Chapter 20 of the Code of the City of Norman shall be added to read as follows:

Sec. 20-544. Overtaking bicycles.

When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.

* * *

§ 2. <u>Severability.</u> If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this day	NOT ADOPTED this day
of, 2010.	of, 2010.
Cindy Rosenthal, Mayor	Cindy Rosenthal, Mayor
ATTEST:	
Brenda Hall, City Clerk	

City Council Study Session Minutes July 20, 2010 Page 2

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0809-56 WITH HOWARD CONSTRUCTION, INC., INCREASING THE CONTRACT BY \$12,803 FOR THE WELL FIELD DEVELOPMENT PROJECT, PHASE I, AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Jim Speck, Capital Projects Engineer, said the Norman Utilities Authority approved Contract No. K-0809-56 with Howard Construction, Inc., on March 31, 2009, in the amount of \$568,260 for the construction of six Phase I well houses. He said the contractor started construction in May, 2009, and the six well houses were complete and operational in April, 2010. A final inspection was performed by Staff and the construction met all City standards. He said the change order increases the contract amount by \$12,803 and adds personnel gates to four of the well house sites, reconciles as bid to as built quantities, and extends the contract through April 29, 2010.

Items submitted for the record

- 1 Text File No. K-0809-56, Change #1, dated July 14, 2010
- 2. Change Order No. One to K-0809-56

NORMAN BICYCLE ADVISORY COMMITTEE REPORT REGARDING THE BIKE LANE IMPLEMENTATION PROGRAM.

City Manager Lewis said members of the Bicycle Advisory Committee (BAC) have been working with Staff to develop an initiative to reintroduce striped bicycle lanes throughout the community and is now ready to present their plan to City Council.

Mr. James Briggs, Park Planner and Staff Liaison for the BAC, said he and Mr. Angelo Lombardo, Traffic Engineer, would be presenting the plan to Council this evening because although bicycle lanes were considered a Parks and Recreation issue, they were actually a traffic issue as well. He introduced Ms. Sarah Reichardt and Ms Leslie Harrison, BAC members. He highlighted the BAC proposal for bike lanes and re-establishing current bike lanes throughout Norman. He said the current Bike Plan/Bike Map was created in the 1990's and did not include bike lanes for Norman; however, some bike lanes already existed prior to the Bike Plan and are located in neighborhoods around the campus area although the original striping has faded over time. He said the BAC updated Council in 2009 indicating one of their goals for the Bike Plan was to test a bike lane restriping pilot program. He said the BAC received feedback from the League of American Bicyclists indicating that adding bicycle lanes will help increase Norman's status in the Bicycle Friendly Community Program from "Honorable Mention" awarded in 2009, to an advanced level of bronze, silver, or higher.

Mr. Briggs said Staff verified locations where additions could be made to link bike routes together or extend the old lanes to the major collector streets in the area already on the bike route. He said lanes are only shown on streets that already have adequate width; however, when the width is lost at an intersection, i.e., Boyd Street and 12th Avenue N.E., where right turn lanes were added on Boyd, "Sharrows" which are arrows reflecting where the road will be shared, will be used to indicate the bike route. He said other bike lane markings are proposed to be included in the striped lanes at regular intervals to re-enforce the visual impact of the lanes.

Mr. Briggs presented several maps of existing lanes from pre-1990's; restriped lanes with additions; and restriped existing lanes on Oakhurst Avenue from Lindsey Street to Imhoff Road and Brooks Street. He said Shiloh Drive does not have any lots fronting the street or current parking activity making the street a logical decision for restrictive parking.

Mr. Lombardo said the University of Oklahoma (OU) is aggressively working with Garver Engineering to design a bike route to connect main campus to new south campus areas and has met with Staff to discuss proposals. He said the most significant impact will be a traffic signal constructed at Jenkins Avenue, with the lane crossing Stinson Street, traveling east to Lincoln Avenue; turning south on Lincoln Avenue and crossing the Intramural Fields and Reaves Park, then crossing Constitution Street and traveling down Constellation Street to the south campus area. Originally, OU discussed installing a bike path through the Intramural Fields to Madison

City Council Study Session Minutes July 20, 2010 Page 3

Elementary School, but the new proposal uses modifications along Jenkins Avenue. He said there needs to be a safe place to cross Jenkins Avenue and OU is offering to fund 100% of the cost of the traffic signal at Jenkins Avenue and is hopeful this project will be completed by the fall for football season.

Mr. Briggs said the west side of Norman has old bike lanes along McGee Drive in front of Monroe Elementary School where drop-off/pick-up is permitted during specific hours. He said McGee Drive is wide enough and it makes sense to extend the bike lane striping and sharrowing north of Lindsey Street to Boyd Street.

Councilmember Griffith asked what the typical width of bike lanes was and Mr. Lombardo said the National Standard minimum is five feet.

Councilmember Atkins said he was satisfied that none of the existing bike lanes on Sunrise Street will be eliminated but was concerned that the east side of Shiloh Drive between Boyd Street and Village Drive would be used for overflow parking for the cul-de-sac. He said if the City designates that area as "No Parking," there will be a constant violation situation. He said the same thing occurs along Brandywine Lane near the apartments that could create some issues with bike lanes. Mr. Lombardo said there are parking restriction signs already in these areas, but with the addition of the pavement markings and striping for the bike lane, it should be an additional detriment for parking.

Councilmember Quinn said the BAC has been keeping the Transportation Committee updated on these plans and have accepted suggestions from the Transportation Committee. He said he feels the plan is timely on focusing on bicycle safety and encouraged as much education on bike riding within the City limits for kids and adults. Councilmember Kovach said he reiterated these thoughts because of the recent fatalities in Oklahoma City and the accident in Norman, all involving bicycles.

Councilmember Kovach said there has been discussion regarding Classen Boulevard having connectivity to Boyd Street and Mr. Lombardo said the problem is that it does not meet the minimum roadway width to be able to support the bike lanes. Mr. Lombardo said there is a new marking included in Uniform Traffic Devices manual to address those types of equations such as sharrows. Councilmember Kovach asked if there would be enough funds to install sharrows and Mr. Lombardo said there was.

Councilmember Kovach asked if Boyd Street was wide enough on the extension from McGee Drive to Boyd Street to stripe at some point in the future and Mr. Lombardo said some portions of Boyd Street are. Mr. Briggs said it is important to establish the bike lanes so when Boyd is rebuilt, the width is there to make the connection. He said the BAC will go forward in time to readdress subdivision regulations to provide complete street design so the streets would be built and maintained to accommodate bicycles. Mr. Lombardo said the only standard Norman currently has that supports bike lanes is the Residential Collector Street Standards.

Councilmember Atkins said he would like to see long term solutions because parks are an integral part of bike routes and there are parks on some streets that are not collector streets that the bikers use to stop to rest. Mr. Briggs said the BAC will work on that and submit their recommendations to the Transportation Committee.

Councilmember Dillingham said the last time Council met with the BAC, a pamphlet on bike route maps had been provided, and at that time Norman had only the green "Bike Route" signs. She said she is pleased that the BAC and Transportation Committee have begun the working on this given the fiscal constraints.

Councilmember Kovach said when the question of bike lanes was brought up over a year ago, there was a question as to what kind of citizen support there would be and within 24 hours of garnering citizens input, he and the Mayor received 100 emails of support.

Mr. Lewis said the BAC had discussed the three foot rule which is State law although there is not a City ordinance in place and that Staff would work on this. Chief Cotten said the three foot rule means vehicular traffic

City Council Study Session Minutes July 20, 2010 Page 4

must give the bicyclist three feet of clearance and Staff is drafting an ordinance for Norman. He said the Norman Police could enforce State law but an officer has to observe the violation or the citizen on the bike must have a tag number and be willing to sign a complaint. Councilmember Quinn asked what the requirements are for the bike rider on a road and Chief Cotten said bicyclists are supposed to stay as far to the right as possible in single file.

Councilmember Kovach asked if there was any information on the City's website regarding bike routes and safety and Mr. Briggs said there is a link that will be updated as part of the new bike plan.

Mr. Lombardo said the BAC has a subcommittee focusing on education and working with the Police Department to develop a type of commercial. Mr. Briggs said there are also poster campaigns, Public Service Announcements, and education in the schools. He said Moore-Norman Technology Center and local bicycle shops hold educational workshops on bicycle maintenance and safety. Mr. Lombardo said there is a non-infrastructural component to the Safe Routes to School Program offering training specifically for children who attend Jefferson and Longfellow Schools and the Police Department offers training at Safety Town at Sooner Mall.

Items submitted for the record

The meeting adjourned at 6:00 p.m.

- 1. Memorandum dated July 15, 2010, from Angelo A. Lombardo, City Traffic Engineer, to Mayor and City Councilmembers
- 2. Transportation Committee minutes of June 24, 2010
- 3. PowerPoint presentation entitled, "Norman Bicycle Advisory Committee (BAC) Report"

ATTEST:

City Clerk

Mayor

TRANSPORTATION COMMITTEE MEETING MINUTES

August 26, 2010

The City Council Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Council Chambers on the 26th day of August, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT:

Councilmembers Butler, Kovach, Cubberley and

Chairman Quinn

MEMBERS ABSENT:

None

OTHERS PRESENT:

Mr. James Briggs, Parks Planner

Ms. Susan Connors, Director of Planning and Community Development

Mr. Phil Cotten, Police Chief

Ms. Vicky Holland, Marketing PR Specialist for OU

Mr. Angelo Lombardo, Traffic Engineer

Ms. Betty Love, Assistant to Doug Myers, CART

Mr. Doug Myers, OU Parking and Transportation Administrator

Mr. Shawn O'Leary, Director of Public Works

Ms. Linda Price, Revitalization Manager

Mr. Cody Ponder, Grants Specialist II for OU

Mr. Tim Smith, Master Police Officer, Norman Police Department

Mr. Wayne Wickman, OU Transit Operations Manager

Ms. Syndi Runyon, Administrative Technician IV

DISCUSSION REGARDING PROPOSED ORDINANCE PREVENTING OVERTAKING AND PASSING OF A BICYCLE PROCEEDING IN THE SAME DIRECTION (THE THREE FOOT RULE).

Police Chief, Phil Cotten, said the proposed ordinance mirrors the State statute requiring motorists to allow a three foot space when passing a bicyclist. Chairman Quinn asked what the rules were for bicycler riding on the street and Chief Cotten said they are supposed to stay to the far right. He said if there is a group, they are to ride two abreast.

Councilmember Butler said there is concern from her constituents regarding riding on hilly roads and Highway 9 as there is no road edge for bicyclists. Chief Cotten said motorists are supposed to slow down and wait for a chance to pass bicyclists in these conditions. He said police officers are visiting schools to educate children on bicycle safety.

The Committee recommended the ordinance move forward for Council's consideration.

Items submitted for the record

- 1. Memorandum dated August 4, 2010, from Phil Cotten, Chief of Police, to Steve Lewis, City Manager
- 2. Draft ordinance
- 3. City of Norman Bicycle Advisory Committee minutes of August 9, 2010



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item no. 11

Text File Number: O-1011-19

Introduced: 9/20/2010 by Kathryn Walker, Asst City Attorney II

Version: 1

Current Status: Consent Item

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-19 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-201 OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN LIMITING WEEKLY YARD WASTE PICK UP TO ONE TIME PER MONTH DURING THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY AND ONE TIME PER WEEK DURING THE MONTHS OF MARCH THROUGH NOVEMBER; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to introduce and adopt Ordinance No. O-1011-19 upon First Reading by Title.

ACTION TAKEN:	
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Body

BACKGROUND: The Council Finance Committee has met to discuss ways to adjust the FYE2011 Budget on September 2, 2010 and again on September 15, 2010. One of the items identified for change was the frequency by which the City Sanitation employees pick up yard waste in the winter months.

DISCUSSION: Section 21-201 of the City Code currently requires the Sanitation Department to pick up yard waste one time per week throughout the year. This service is well used in the spring, summer, and fall months as yards in Norman typically require maintenance throughout that period. The service is not utilized as often in the winter months, yet Staff is still required to drive every route in case the service is utilized and yard waste is placed at the curb. The attached ordinance change proposes to change the frequency of yard waste pick up from one time per week to one time per month during the months of December, January and February. Yard waste would continue to be picked up one time per week during the remaining months. The compost facility will remain open at regular business hours for customers to drop off yard waste materials as usual.

STAFF RECOMMENDATION: This ordinance was prepared based on discussion and feedback with the Council Finance Committee. Staff recommends its approval on second reading.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-201 OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN LIMITING WEEKLY YARD WASTE PICK UP TO ONE TIME PER MONTH DURING THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY AND ONE TIME PER WEEK DURING THE MONTHS OF MARCH THROUGH NOVEMBER; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 21-201 of Chapter 21 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 21-201. Cans and containers.

Solid Waste:

Yard Waste:

- (a) All owners, occupants, or other persons in charge of any premises in the City shall place all yard waste tied in disposable bags or in watertight cans which shall:
 - (1) Be of sufficient size to hold not less than five (5) nor more than thirty-five (35) gallons;
 - (2) Have close fitting covers;
 - (3) Have handles on the sides;
 - (4) No single container shall exceed seventy-five (75) pounds in weight when filled.
 - (b) Any cans or containers which do not conform to the above subsections or which have ragged or sharp edges or some other defect liable to hamper or injure any person collecting the contents thereof must be replaced by a proper receptacle within ten (10) days of notice to that effect from the Sanitation Department; and should such cans or other containers not be so replaced, they may be collected and disposed of by the Sanitation Department.

(a) Would reserve will be collected one (1) time more viscals during the
(c) Yard waste will be collected one (1) time per week during the
months of March through November. Yard waste will be collected one (1)
time per month during the months of December through February. Yard
waste must be placed no more than seven (7) feet from the curbside unless
a curb does not exist, then no more than seven (7) feet from the line where
the street surface begins. Yard waste may also be placed in the drive
approach no more than seven (7) feet from the line where the street
surface begins. Yard waste should not be combined with any municipal
solid waste.

* * *

§ 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this day of	NOT ADOPTED this day of
, 2010.	, 2010.
Cindy Rosenthal, Mayor ATTEST:	Cindy Rosenthal, Mayor
Brenda Hall, City Clerk	

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-201 OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN LIMITING WEEKLY YARD WASTE PICK UP TO ONE TIME PER MONTH DURING THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY AND ONE TIME PER WEEK DURING THE MONTHS OF MARCH THROUGH NOVEMBER; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

That Section 21-201 of Chapter 21 of the Code of the City of Norman, Oklahoma, § 1. shall be amended to read as follows:

Sec. 21-201. Cans and containers.

Solid Waste:

Yard Waste:

All owners, occupants, or other persons in charge of any premises

- in the City shall place all yard waste tied in disposable bags or in watertight cans which shall:
 - (1) Be of sufficient size to hold not less than five (5) nor more than thirty-five (35) gallons;
 - (2) Have close fitting covers;
 - (3) Have handles on the sides;
 - (4) No single container shall exceed seventy-five (75) pounds in weight when filled.
 - Any cans or containers which do not conform to the above subsections or which have ragged or sharp edges or some other defect liable to hamper or injure any person collecting the contents thereof must be replaced by a proper receptacle within ten (10) days of notice to that effect from the Sanitation Department; and should such cans or other containers not be so replaced, they may be collected and disposed of by the Sanitation Department.

months of Marc time per month waste must be p a curb does not	ch through Not during the rolaced no more exist, then not the control of the cont	nonths of Determine than sever of more than	ne (1) time per ward waste will be conceember through in (7) feet from the seven (7) feet from may also be place	ollected one (1) February. Yard curbside unless the line where
			from the line who be combined with	
	*	*	*	1
§ 2. SEVERABILITY. If a any part thereof is for jurisdiction, such decis ordinance or any part the	any reason sions shall no	found to be	invalid by a cour	t of competent
ADOPTED this day of		NO	T ADOPTED this	day of
	2010.			, 2010.
Cindy Rosenthal, Mayor		Cin	dy Rosenthal, May	or
ATTEST:				

Brenda Hall, City Clerk



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 12

Text File Number: AP-1011-12

Introduced: 9/13/2010 Current Status: Consent Item

Version: 1 Matter Type: Appointment

Title

CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF JIM RUHL TO THE BOARD OF ADJUSTMENT AND JUNA STOVALL AND RANDY LAFFOON TO THE NORMAN CONVENTION AND VISITORS BUREAU.

ACTION NEEDED:	Motion to confirm or reject the appointments.
ACTION TAKEN: _	

Body

INFORMATION

Jim Ruhl will replace John Drayton, Juna Stovall will replace Kris Glenn who is no longer eligible to serve, and Randy Laffoon will replace Jeff Marley.

BOARD OF ADJUSTMENT

TERM: 09-28-10 TO 12-22-13: JIM RUHL, 3909 QUAIL DRIVE

NORMAN CONVENTION AND VISITOR'S BUREAU

TERM: 09-28-10 TO 07-31-11: JUNA STOVALL, 2127 TERESA DRIVE (OU)

TERM: 09-28-10 TO 07-31-13: RANDY LAFFOON, 2009 WYCKHAM PLACE (ATHLETICS)



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 13

Text File Number: AP-1011-9

Introduced: 9/21/2010 by Ronda Guerrero, Municipal Court Clerk

Version: 1

Current Status: Consent Item

Matter Type: Appointment

SUBMISSION OF THE PROPOSED NOMINATION FOR APPOINTMENT OF DREW NICHOLS AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT FOR A TERM BEGINNING OCTOBER 12, 2010, AND ENDING JUNE 30, 2012.

ACTION NEEDED: Motion to acknowledge receipt of the nomination and schedule an agenda item on October 12, 2010, for confirmation.

ACTION TAKEN:	
---------------	--

Body

INFORMATION: In accordance with Section 14-201 of the Code of the City of Norman, the above-described item appears on City Council's agenda in order to give written nomination of Drew Nichols as Acting Judge of the Municipal Criminal Court each for a term beginning October 12, 2010, and ending June 30, 2012.



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 14

Text File Number: RPT-1011-15

Introduced: 8/10/2010 by Anthony Franci Version: 1	Sisco Current Status: Consent Item Matter Type: Communication or Report
	/LEDGING RECEIPT OF THE FINANCE DIRECTOR'S DF AUGUST 31, 2010, AND DIRECTING THE FILING
ACTION NEEDED: Motion to thereof.	o acknowledge receipt of the report and direct the filing
ACTION TAKEN:	·

DATE:

07-Sep-10

TO:

City Council

FROM:

Anthony Francisco, Director of Finance A: Franco
Clint Mercer, Chief Accountant

PREPARED BY:

SUBJECT:

Breakdown of Interest Earnings by Fund

		MONTHLY C	OMPARISON			ANNUAL COMPARISON						
<u>FUND</u>	MONTHLY BUDGETED INTEREST EARNINGS FYE11	MONTHLY INTEREST EARNINGS August 2010	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE10-YTD	INTEREST EARNINGS YTD FYE11	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS				
GENERAL FUND	\$22,917	\$9,304	-59.40%	8.66%	\$45,833	\$15,974	-65.15%	8.64%				
PUBLIC SAFETY SALES TA:	N/A	\$8,138	100.00%	7.58%	N/A	\$15,618	100.00%	8.44%				
ROOM TAX FUND	\$250	\$187	-25.16%	0.17%	\$500	\$308	-38.49%	0.17%				
CAPITAL PROJECTS FUND	\$29,167	\$22,247	-23.72%	20.71%	\$58,333	\$38,380	-34.21%	20.75%				
SINKING FUND	\$2,083	\$3,206	53.90%	2.98%	\$4,167	\$6,417	54.00%	3.47%				
G.O. BOND FUND	\$167	\$191	14.73%	0.18%	\$333	\$321	-3.61%	0.17%				
WESTWOOD FUND	\$625	\$113	-81.88%	0.11%	\$1,250	\$240	-80.77%	0.13%				
WATER FUND	\$10,000	\$14,822	48.22%	13.80%	\$20,000	\$23,770	18.85%	12.85%				
WASTEWATER FUND	\$25,000	\$12,736	-49.06%	11.86%	\$50,000	\$21,676	-56.65%	11.72%				
HALLPARK FUND	N/A	\$0	100.00%	0.00%	N/A	\$0	100.00%	0.00%				
DEVELOPMENT EXCISE	\$16,667	\$16,224	-2.66%	15.10%	\$33,333	\$28,302	-15.09%	15.30%				
SEWER SALES TAX	\$16,667	\$10,929	-34.42%	10.17%	\$33,333	\$18,891	-43.33%	10.21%				
SANITATION FUND	\$2,500	\$1,539	-38.45%	1.43%	\$5,000	\$2,783	-44.35%	1.50%				
PARKLAND FUND	\$2,255	\$1,739	-22.88%	1.62%	\$4,510	\$3,021	-33.03%	1.63%				
TRUST & AGENCY FUNDS	N/A	\$8	100.00%	0.01%	N/A	\$13	100.00%	0.01%				
TAX INCREMENT DISTRICT	\$417	\$2,599	100.00%	2.42%	\$833	\$3,311	100.00%	1.79%				
SPECIAL GRANTS FUND	N/A	\$1,462	, 100.00%	1.36%	N/A	\$2,503	100.00%	1.35%				
CLEET FUND	N/A	\$27	100.00%	0.03%	N/A	\$49	100.00%	0.03%				
HOUSING	N/A	\$44	100.00%	0.04%	N/A	\$89	100.00%	0.05%				
SITE IMPROVEMENT FUND	N/A	\$61	100.00%	0.06%	N/A	\$104	100.00%	0.06%				
ARTERIAL ROAD FUND	N/A	\$1,246	100.00%	1.16%	N/A	\$2,141	100.00%	1.16%				
SEIZURES	\$42	\$602	1344.25%	0.56%	\$83	\$1,070	1183.60%	0.58%				
-	\$128,755	\$107,425	-16.57%	100.00%	\$257,510	184,981	-28.17%	100.00%				

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of \$ 110.2 million as of 8/31/10 are represented by working capital cash balances of all City funds of approximately \$ 46.79 million, outstanding encumbrances of \$32.62 million, General Oblig.ation Bond proceeds of \$8.63, NUA revenue bond proceeds of \$15.43 million, NMA bond proceeds of \$3.95 million, and UNP TIF reserve amounts of \$2.78 million.

INVESTMENT BY TYPE

August 31, 2010

			August 31, 2010	,	EARNER		
					EARNED	0007	MADICET
<u>LIST BY TYPE</u>	SEC. NO.	PURCHASED	MATURITY	YIELD	INTEREST	COST	MARKET
**Checking							
					00.00	0 0.00	#0.00
BANK OF AMERICA	NUA REV. FD.				\$0.00	\$0.00	\$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	\$1,546.82	\$10,850,511.73	\$10,850,511.73
BANK OF AMERICA	WARRANTS PA	YABLE			\$0.00	(\$4,862,063.28)	(\$4,862,063.28)
BANK OF AMERICA	PAYROLL				\$0.00	(\$3,219,009.75)	(\$3,219,009.75)
BANK OF AMERICA	COURT BOND	REFUNDS			\$0.00	\$287,580.75	\$287,580.75
BANK OF AMERICA	INSURANCE CL	.AIMS			\$0.00	(\$625,641.17)	(\$625,641.17)
BANK OF AMERICA	HALLPARK			0.01%	\$1.13	\$135,328.38	\$135,328.38
					\$1,547.95	<u> </u>	\$2,566,706.66
**Subtotal					\$1,547.95	\$2,566,706.66	\$2,500,700.00
**Money Market							
DANIOSIDOT NULA	MONEY MIZT			0.01%	\$4.34	\$916,606.61	\$916,606.61
BANCFIRST-NUA	MONEY MKT.					· · · · · ·	
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	\$29.65	\$3,671,474.40	\$3,671,474.40
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	\$0.16	\$280,274.84	\$280,274.84
BANCFIRST-NUA Water	MONEY MKT.			0.01%	\$105.44	\$14,518,078.18	\$14,518,078.18
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	\$17.20	\$2,780,670.35	\$2,780,670.35
FIRST FIDELITY	MONEY MKT.			0.50%	\$113.12	\$0.00	\$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	\$1.46	\$89,518.82	\$89,518.82
BANK OF AMERICA	MONEY MKT.			0.16%	\$26.77	\$241,742.17	\$241,742.17
BANK OF AMERICA - Drinking V	V MONEY MKT.			0.30%	\$621.39	\$1,439,576.15	\$1,439,576.15
BANK OF AMERICA - Clean Wa				0.30%	\$141.59	\$1,115,224.36	\$1,115,224.36
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	\$730.17	\$3,919,866.63	\$3,919,866.63
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	\$1,239.52	\$4,712,690.63	\$4,712,690.63
**Subtotal					\$3,030,81	\$33,685,723.14	\$33,685,723.14
Subtotal					ψο,σσσ.σ τ	400,000,720.14	φοσ,σσσ,72σ. · ·
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	\$65.64	\$15,929,954.19	\$15,929,954.19
**U.S. Treasury Securities							
	0100VE IV0	08/31/09	06/10/11	1.11%	5,012.44	5,555,000.00	\$5,758,090.80
FHLB	3133XFJY3				,		
T-Note	912828JS0	08/31/09	11/30/10	0.55%	2,234.10	5,000,000.00	\$5,012,700.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.61	2,000,000.00	\$2,167,180.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,172.68	5,000,000.00	\$5,042,200.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,539.41	6,000,000.00	\$6,084,964.28
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,196.26	5,000,000.00	\$5,042,200.00
T-Note	912828JL5	12/31/09	09/30/10	0.36%	3,431.32	12,500,000.00	\$12,516,625.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,357.44	6,750,000.00	\$6,861,768.23
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	131.58	100,000.00	\$102,469.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	107.99	100,000.00	\$102,219.00
FHLMC	3128Y9KQ2	03/31/10	11/10/11	0.99%	1,591.74	1,930,000.00	\$1,932,219.50
FHLMC	3128X9C40	03/31/10	08/26/13	2.15%	14,323.19		
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,967.46	4,000,000.00	\$4,007,520.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	1,859.75	4,000,000.00	\$4,080,000.00
FRIED	CIOOXITIDO	0.72210	00, 17, 10	1.5570	41,875.00	.,555,555.55	Ų.,000,000.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	445.64	79,860.00	\$127,040.76
**Subtotal					102,780.61	58,014,860.00	\$58,837,196.56
TOTAL					107,425.01	110,197,243.99	\$111,019,580.55
TOTAL					107,423.01	110,137,240.33	φ111,019,300.33

The Governmental Accounting Standards Board requires the reporting of market values of investment securities. These market values represent the amount of money the security would sell for on the open market, if cash flow demands were such that the security had to be sold. The City of Norman purchases investment securities with the intent of holding them to maturity, as stated in the City's Investment Policy. Only in exceptional circumstances would securities be sold before their maturity, due to cash flow demands or favorable market conditions.



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 15

Text File Number: RPT-1011-16

Introduced: 8/10/2010 by Carol Coles, Administrative Asst Version: 1	Current Status: Consent Item Matter Type: Communication or Report
Title SUBMISSION AND ACKNOWLEDGING DEPARTMENTAL REPORTS FOR THE M DIRECTING THE FILING THEREOF.	
ACTION NEEDED: Motion to acknowledge recthereof.	eipt of the reports and direct the filing
ACTION TAKEN:	



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 16

Text File Number: BID-1011-12

Introduced: 7/14/2010 by David Hager, Utilities Supt. Current Status: Consent Item

Version: 1 Matter Type: Bid

Title

CONSIDERATION AND AWARDING OF BID NO. 1011-12 FOR THE PURCHASE OF COPPER METER YOKES FOR METERS, HDPE WATER METER BOXES, AND WATER LINE REPAIR CLAMPS FOR THE LINE MAINTENANCE DIVISION.

Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications on copper meter yokes and HDPE water meter boxes; and, if accepted, award the bid to American Waterworks Supply, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN:
Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications on Water Line Repair Clamps, Sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 29, 30, 31, and 32; and, if accepted, award the bid to HD Supply Waterworks as the lowest and best bidder meeting specifications.
ACTION TAKEN:
Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications on Water Line Repair Clamps, Sections 8, 9, 16, 17, 18, 19, 20, 21, 22, 23 24, 25, 26, 27, 28, 33, and 34; and, if accepted, award the bid to Oklahoma City Winwater Works as the lowest and best bidder meeting specifications.
ACTION TAKEN:
Body

BACKGROUND: Water Maintenance Crews use repair clamps to effect repairs on ruptured water mains. These clamps come in many lengths and diameters and are used according to the specific type and extent of the break. Division specifications require all-stainless steel repair clamps due to the soil conditions in Norman. Each manufacturer uses stainless steel technology and all repair clamps are compatible among suppliers.

Copper meter yokes are used in connecting the water meter and residential service lines to the City water main. A purchase of approximately 500-700 copper meter yokes is foreseen for the fiscal year ending June 30, 2011 (FYE11).

Bid No. 1011-12 also provides for the purchase of HDPE meter boxes and lids for approximately 500-700 water meters. These purchases will be made during the fiscal year ending June 30, 2011 (FYE11).

<u>DISCUSSION</u>: Bid No. 1011-12 provides competitive prices for the purchase, on an as needed basis, for varied repair clamps, copper meter yokes for water meters, and meter boxes. Six vendors were invited to bid; five bidders responded. Bids were opened on August 5, 2010. The attached bid tabulation provides a complete accounting of these bids.

Bid prices increased 3.7% for meter yokes and 8.6% for high-density polyethylene (HDPE) meter boxes. Bids for stainless steel repair clamps increased 17% over the current contract amounts approved in FYE 10. Reasons for bid increases include higher oil costs associated with manufacturing HDPE products and manufactures of brass, copper, and stainless steel increased primarily due to materials cost and shipping.

STAFF RECOMMENDATION: It is recommended that Bid No. 1011-12 be awarded to the lowest and best bidders as follows:

Bid No. 1011-12, Copper Meter Yokes for Water Meters, and HDPE Meter boxes with Cast Iron Lids, awarded to American Waterworks Supply, Inc. Awarded to: American Waterworks Supply, Inc.

Bid No. 1011-12 Water Line Repair Clamps

SECTIONS 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 33, and 34 awarded to Oklahoma City Winwater Works

SECTIONS 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 29, 30, 31, and 32 awarded to HD Supply Waterworks

FYE 11 funds are available in Maintenance Supplies, Water and Sewer (031-5551-462.32.16)

Account Amount \$62,240.00 Estimated Expenditure 10,000.00 Account Balance \$52,240.00

FYE 2011 funds are available in Maintenance Supplies/Meter Sets/Repairs (031-5551-462.32.18)

Account Amount \$164,975.00 Estimated Expenditure 65,652.00 Account Balance \$ 99,323.00

LINE MAINTENANCE DIVISION – TABULATION OF BIDS COPPER METER YOKES FOR WATER METERS, HDPE METER BOXES WITH CAST IRON LIDS, AND WATER LINE REPAIR CLAMPS BID NO. 1011-12- August 5, 2010

									,	·····								
HD SUPPLY WATERWORKS	81.50	40.00	24.55	30.50	34.00	50.50	38.75	56.00	70.00	102.00	126.00	152.00	44.00	64.00	82.00	115.00	161.00	116.00
AMERICAN WATERWORKS SUPPLY, INC.	71.68	37.74	25.67	32.22	37.38	57.01	42.95	68.57	81.68	109.52	137.81	179.43	50.32	77.54	103.37	125.52	240.37	154.42
PIONEER SUPPLY	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
OKC PIONEE WINWATER WORKS	72.07	41.44	28.41	34.33	35.24	51.20	39.16	56.91	76.77	100.98	112.12	156.54	46.08	69:99	83.88	115.55	168.36	100.75
FERGUSON WATER WORKS	105.41	38.85	29.68	37.23	37.23	57.13	43.41	69.57	76.59	120.32	150.38	171.98	50.76	81.06	93.19	135.21	16.961	142.41
OKLAHOMA CONTRACTORS SUPPLY, INC.	80.30	38.00	28.48	35.70	35.70	54.80	41.65	66.75	73.00	115.00	143.50	164.00	48.70	77.70	89.00	129.00	190.85	135.90
	COPPER METER YOKES FOR WATER. METERS/UNIT PRICE	HDPE METER BOXES WITH CAST IRON LIDS/UNIT PRICE	W.L. REPAIR CLAMPS: SECTION 1, 2 INCH X 6 INCH/UNIT PRICE	SECTION 2 4 x 6 INCH	SECTION 3 4 X 8 INCH	SECTION 4 4 X 12 INCH	SECTION 5 6 X 8 INCH	SECTION 6 6 X 12 INCH	SECTION 7 6 X 15 INCH	SECTION 8 6 X 20 INCH	SECTION 9 6 X 24 INCH	SECTION 10 6 X 30 INCH	SECTION 11 8 X 8 INCH	SECTION 12 8 X 12 INCH	SECTION 13 8 X 15 INCH	SECTION 14 8 X 20 INCH	SECTION 15 8 X 30 INCH	SECTION 16 12 X 15 INCH

LINE MAINTENANCE DIVISION – TABULATION OF BIDS COPPER METER YOKES FOR WATER METERS, HDPE METER BOXES WITH CAST IRON LIDS, AND WATER LINE REPAIR CLAMPS BID NO. 1011-12- August 5, 2010

																		
	HD SUPPLY WATERWORKS	164.00	225.00	257.00	242.00	271.00	433.00	769.00	1,350.00	50.00	50.00	63.00	63.00	78.50	78.50	92.00	92.00	136.00
	AMERICAN WATERWORKS SUPPLY, INC.	183.82	222.93	304.92	342.67	438.08	674.32	810.53	1,388.98	65.22	65.22	73.89	73.89	104.05	104.05	136.30	136.30	175.24
ıst 5, 2010	PIONEER SUPPLY	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID								
BID NO. 1011-12- August 5, 2010	OKC WINWATER WORKS	128.24	153.75	193.08	238.27	254.63	382.73	535.72	970.38	47.08	47.08	62.33	62.33	81.20	81.20	95.88	95.88	109.03
	FERGUSON WATER WORKS	194.59	233.16	273.36	406.17	419.85	647.47	81.696	1,045.70	67.53	67.53	84.34	84.34	113.79	113.79	133.03	133.03	161.05
	OKLAHOMA CONTRACTORS SUPPLY, INC.	185.50	222.50	260.75	387.00	400.50	618.00	925.00	00.866	64.75	64.75	80.50	80.50	108.60	108.60	127.00	127.00	153.75
		SECTION 17 12 X 20 INCH	SECTION 18 12 X 24 INCH	SECTION 19 12 X 30 INCH	SECTION 20 14 X 20 INCH	SECTION 21 16 X 20 INCH	SECTION 22 16 X 30 INCH	SECTION 23 24 X 24 INCH	SECTION 24 30 X 36 INCH	SECTION 25 2 X 12 W/ ¾" CC	SECTION 26 2 X 12 W/ 1" CC	SECTION 27 4 X 12 W/3/4" CC	SECTION 28 4 X 12 W 1" CC	SECTION 29 6 X 15 W 12'' CC	SECTION 30 6 X 15 INCH W/ 1" CC	SECTION 31 8 X 15 INCH W 34"CC	SECTION 32 8 X 15 INCH W 1" CC	SECTION 33 12 X 15 INCH W 34"CC

COPPER METER YOKES FOR WATER METERS, HDPE METER BOXES WITH CAST IRON LIDS, AND WATER LINE REPAIR CLAMPS LINE MAINTENANCE DIVISION - TABULATION OF BIDS BID NO. 1011-12- August 5, 2010

HD SUPPLY WATERWORKS	136.00
AMERICAN WATERWORKS SUPPLY, INC.	175.24
PIONEER SUPPLY	NO BID
OKC WINWATER WORKS	109.03
FERGUSON WATER WORKS	161.05
OKLAHOMA CONTRACTORS SUPPLY, INC.	153.75
	SECTION 34 12 X 15 INCH W 1"CC

Yokes for Water Meters and for HDPE Meter Boxes with Cast Iron Lids; and as follows for Water Line Repair Clamps: to Oklahoma City Winwater Works for Sections 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, and 34; and to HD Supply Waterworks for Sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 29, 30, 31, and 32 as the best bidders meeting all of the specifications. The repair clamp contract is effective through September 30, 2011, or for an additional one-year period up to four years, if RECOMMENDATION: That Bid No. 1011-12 for Meter Yokes, Repair Clamps, and Meter Boxes be awarded to American Waterworks Supply, Inc. for Copper Meter agreeable by the parties.

Forwarded by: David Hager, Line Maintenance Superintendent



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 17

Text File Number: BID-1011-29

Introduced: 9/10/2010 by Clint Mercer, Chief Acct Current Status: Consent Item

Version: 1 Matter Type: Bid

Title

CONSIDERATION AND AWARDING OF BID NO. 1011-29 FOR THE PURCHASE OF BUILDINGS AND CONTENTS INSURANCE.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$81,911 to Affiliated FM as the lowest and best bidder meeting specifications.

Body

BACKGROUND: The City of Norman self-insures against most risks (i.e., workers compensation, vehicle/equipment damage, employee health benefits, tort claims, etc.) but historically has purchased insurance to cover casualty losses to City buildings and contents. This insurance is purchased in a blanket amount but is limited to agreed-upon values of independent buildings and contents and subject to a deductible. It is important to note that contents include electronic data processing equipment.

The City of Norman has bid out its buildings and contents insurance through the competitive bid process. This year invitations to bid were extended to eight vendors. Last years premium for this insurance was \$40,102. It was a 3-year product with an annual premium and was last bid on September 6, 2007. The blanket amount requested in the current bid increased from \$57,356,165 three years ago to \$79,408,593 in the current year. This increase was due to the addition of several properties as well as the adjustment of values for existing structures based on the current fair market values. The deductible requested stayed the same (i.e., \$5,000). In addition, we requested quotes based on a \$10,000 deductible and a \$50,000 deductible.

The Oklahoma City area was hit with several weather disasters this past spring/summer season, namely a tornado, severe hailstorm and a flood. Insurance payouts on these disasters reached in the billions and as such insurance carriers have taken steps to mitigate these types of losses in the future. Also, Norman was affected by the afore-mentioned tornado and filed a claim for damage that was above \$100,000.

<u>DISCUSSION</u>: Bids were mailed to eight different brokers/agents (see attachment). Bids were opened on September 9, 2010. One agent submitted a bid, namely Arthur J. Gallagher Risk Management Services. Bid documents were returned for three of the eight agents as

they had moved without a forwarding address. One of the agents had been acquired by Arthur J. Gallagher. One of the agents was in fact an underwriter that in the past had bid directly with customers bypassing an agent. This company (Liberty Mutual) now uses agents and was contacted by Arthur J. Gallagher for this bid. It is important to note that Arthur J. Gallagher is a large player in the insurance industry and has access to many underwrites of a size that can quote on a product of Normans size and scope. Arthur J. Gallagher had contacted 13 different underwriters soliciting a quote for Norman's bid (see attachment).

Arthur J. Gallagher received responses from 4 different underwriters. These underwriters provided bids with differing premium/deductible combinations as follows:

- · Travelers Insurance Co. \$115,389 premium on a \$5,000 deductible.
- · Affiliated FM \$81,911 premium on a \$10,000 deductible/\$100,000 deductible for wind and hail, flood and earthquake.
- · C N A Insurance Co. \$99,300 premium on \$5,000 deductible/\$50,000 deductible for wind and hail or \$106,300 premium on \$5,000 deductible/\$25,000 deductible for wind and hail.
- · Axis Insurance Co. \$106,000 premium on a \$5,000 deductible/\$25,000 deductible for wind and hail.

We solicited a three-year policy in our bid packet however; no underwriter was willing to provide such a policy at this time.

RECOMMENDATION: Staff recommends awarding the bid to Affiliated FM with a premium amount of \$81,911 as it provides the lowest premium for coverage at this time. The wind and hail deductible is higher but this policy does include some coverage for flood and earthquake which is not included in the other policies quoted. Funds are available in account 010-3020-415.44-03 Self Insurance Liability and Property.

City of Norman

Marketing Review, Bindable Quotations & Compensation Disclosure Summary

					h	Wholesolor	
Coverage(s)	Carrier Name(s)	Wholesaler, MGA, or Intermediary Name	Marketing Highlights & Quotation Comments	Estimated Annual Premium	Comm % or Fee	MGA or Intermediary	AJG Owned?
Commercial Property	Great American Insurance Co.	NA	Unable to Renew. Could Not Provide Wind and Hail	4	,	•	AN AN
Commercial Property	Travelers Insurance Co.	NA	Quoted	\$115,389 Including TRIA	10%	NA	NA
Commercial Property	Liberty Mutual Insurance Co.	NA	Declined – Could Not Be Competitive				NA
Commercial Property	Chubb Insurance Co.	NA	Declined- Premium does not support loss history				NA
Commercial Property	Lexington Insurance Co.	NA	Declined – Could Not Be Competitive				A A
Commercial Property	Affiliated FM	۷۷	Quoted	\$84,411 With TRIA \$79,411 Without TRIA \$2,500 Engineering Fee	15%	NA	N A
Commercial Property	Hartford Insurance Co.	NA	Declined				AN
Commercial Property	C N A Insurance Co.	Risk Placement Services, Inc.	Quoted	\$102,300 With TRIA \$99,300 Without TRIA Wind / Hail //Named Storm deductible can be reduced to \$25,000, for an additional \$7,000 annual premium.	%6	%9	Yes
6							

City of Norman

Yes	Yes	Yes	Yes	Yes
	•	5%		
		10%		
		\$111,000 With TRIA \$100,000 Without TRIA 6% Surplus Lines Tax		
Declined	Declined	Quoted	Declined	Declined
Risk Placement Services, Inc.	Risk Placement Services, inc.	Risk Placement Services, inc.	Risk Placement Services, Inc.	Risk Placement Services, Inc.
Allianz Insurance Co	RSUI Insurance Co.	Axis Insurance Co	Commonwealth Insurance Co.	Crum & Forester Insurance Co.
Commercial Property	Commercial Property	Commercial Property	Commercial Property	Commercial Property

performance factors such as growth, profit, volume or retention, while supplemental commissions are not. These supplemental or contingent commissions may range from less than 1% up to 10% of the policy premium. Please refer to the <u>Contingent and Supplemental Commission Disclosure</u> or contact your Gallagher representative for Some carriers pay Gallagher supplemental or contingent commissions in addition to the policy commission. Contingent commissions are typically contingent upon additional information.

We were able to obtain more advantageous terms and conditions for you through an intermediary/ wholesaler. ← ~i

If the premium is shown as an indication: The premium indicated is an estimate provided by the market. The actual premium and acceptance of the coverage requested will be determined by the market after a thorough review of the completed application.

* A verbal quotation was received from this carrier. We are awaiting a quotation in writing.

The commission rate is a percentage of annual premium excluding taxes & fees.

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* Gallagher is receiving 10-15% commission on this policy. The fee due Gallagher will be reduced by the amount of the commissions received.

* The non-Gallagher intermediary/wholesaler did not provide their compensation information for this proposal. The usual and customary compensation to a wholesaler/ ntermediary ranges from 5% to 12%, but we cannot verify that range is applicable in connection with this proposal.

Fiedwal L. late 9-9-10

Listing of Vendors:

Arthur J. Gallagher Attn: Mitchell C. Robinson 1300 South Main Tulsa, OK 74119

Hilb, Rogal and Hamilton Company Attn: Gail Harris One Leadership Square 211 N. Robinson, Suite 1100 Oklahoma City, OK 73102-7105

Liberty Mutual Insurance Company Attn: Paul Stabler 3503 NW 63rd Street, Suite 101 Oklahoma City, OK 73116

Agar, Ford, Jarmon, and Muldrow Attn: Debbie Smith 3101 West Tecumseh road, Suite #202 Norman, OK 73072

Holiday & Associates Attn: Brent Holiday 6636 NW 39th Expressway Bethany, OK 73008

Glenn Harris & Associates Attn: Dan Cramer P. O. Box 14790 Oklahoma City, OK 73113

Wausau Signature Agency Attn: Lin Harvey 5100 N. Brookline, Suite 1055 Oklahoma City, OK 73112

Trident
Attn: Charles Tucker
10101 Reunion Place Suite 450
San Antonio, TX 78216



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 18

Text File Number: FP-1011-4

Introduced: 8/10/2010 by Ken Danner, Development Manager

Version: 1

Current Status: Consent Item

Matter Type: Final Plat

Title

CONSIDERATION OF A FINAL PLAT FOR COMMERCE PARKWAY ADDITION, SECTION 2, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED 700 FEET NORTH OF MARKET PLACE ON THE WEST SIDE OF THE I-35 FRONTAGE ROAD.

ACTION NEEDED: Motion to approve or reject the final plat for Commerce Parkway Addition, Section 2, a Planned Unit Development, and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of required public improvements and receipt of a Traffic Impact Fee in the amount of \$2,906.20, and direct the filing of the final plat.

ACTION TAKEN:	

body

BACKGROUND: This item is a final plat for Commerce Parkway Addition, Section 2, a replat of Lot 1, Block 3, Commerce Parkway Addition, Section 1, a Planned Unit Development and is generally located north of Market Place and west of Interstate Drive. This property consists of 8.04 acres. The proposal is one commercial lot including one (1) storm water detention pond/open space lot.

City Council, at its meeting of August 24, 2010, amended Ordinance No. O-0506-3 placing this property in Planned Unit Development (PUD) zoning classification. City Council, at its meeting of August 24, 2010, approved the preliminary plat for Commerce Parkway Addition with alley waiver and sidewalk waiver. Planning Commission, at its meeting of September 9, 2010, approved the final plat for Commerce Parkway Addition, Section 2, a Planned Unit Development, a replat of Lot 1, Block 3, Commerce Parkway Addition, Section 1, a Planned Unit Development.

It is anticipated that a new commercial building and parking lot will be constructed on this parcel. Currently, the theme of the existing development has been for entertainment purposes.

<u>DISCUSSION:</u> The public improvements consist of water mains and fire hydrants. Ingress and egress will be from Interstate Drive. A traffic impact fee for this parcel has been determined by staff to be in the amount of \$2,906.20.

RECOMMENDATION: The final plat is consistent with the approved preliminary plat. Based upon the above information, Staff recommends acceptance of the public dedications, approval of the final plat and filing of the final plat subject to completion of public improvements and the City Development Committee's acceptance of all required public improvements and receipt of a Traffic Impact Fee of \$2,906.20 and authorize the Mayor to sign the final plat and bond.

City Council Agenda

ITEM: CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN, FINAL PLAT FOR COMMERCE PARKWAY ADDITION ADDITION, SECTION 2, A REPLAT OF LOT 1 BLOCK 3, COMMERCE PARKWAY ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT AND THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

LOCATION: Generally located 700 feet north of Market Place on the west side of I-35.

INFORMATION:

- 1. Owner. Hallbrooke Development Group One, LLC.
- 2. <u>Developer</u>. Hallbrooke Development Group One, LLC.
- 3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

- 1. Refer to the Planning Commission Staff Report, September 9, 2010.
- 2. August 24, 2010. City Council amended Planned Unit Development Ordinance No. O-0506-3.
- 3. <u>August 24, 2010</u>. City Council approved the preliminary plat for Commerce Parkway Addition, a Planned Unit Development with waiver of alley requirements and waiver of sidewalk requirements adjacent to Interstate Drive.
- 4. <u>September 9, 2010</u>. Planning Commission, on a vote of 9-0, approved the final plat for Commerce Parkway Addition, Section 2, a Planned Unit Development, a Replat of Lot 1, Block 3, Commerce Parkway Addition, Section 1, a Planned Unit Development.

IMPROVEMENT PROGRAM:

- 1. Refer to the Planning Commission Staff Report, September 9, 2010.
- 2. <u>Subdivision Bond</u>. A subdivision bond has not been submitted since the developer has requested approval of the final plat with the filing thereof to be directed subject to the completion and acceptance of all required public improvements. Sidewalks are not required.

PUBLIC DEDICATIONS:

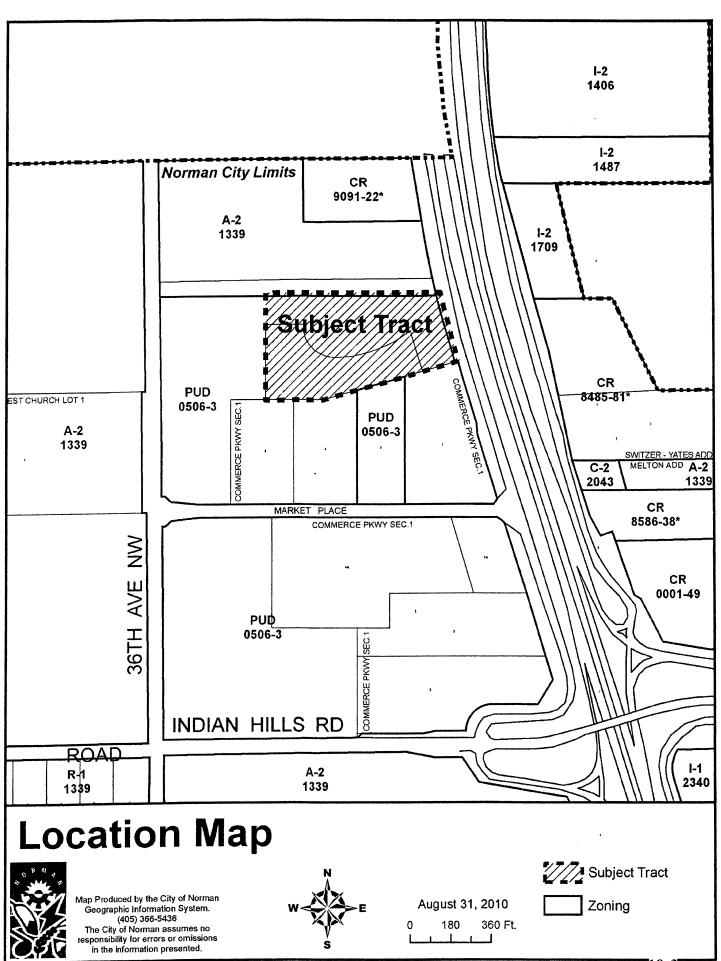
1. Refer to the Planning Commission Staff Report, September 9, 2010.

City Council Agenda – Final Site Development Plan/Final Plat of Final Plat for Commerce Parkway Addition, Section 2, a replat of Lot 1, Block 3, Commerce Parkway Addition, Section 1, a Planned Unit Development September 28, 2010
Page 2

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum, location map, preliminary plat, final site development plan, final plat, Staff Report recommending approval and pertinent excerpts from the Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the final site development plan and final plat; and, if approved, accept the public dedications contained within the final plat; authorize the Mayor to sign the final plat and maintenance bonds subject to the City Development Committee's acceptance of the required public improvements, receipt of \$2,906.20 for a traffic impact fee and direct the filing of the final site development plan and final plat.

ACTION TAKEN:	
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FINAL PLAT

ITEM NO. 4

STAFF REPORT

ITEM: CONSIDERATION OF A FINAL PLAT FOR COMMERCE PARKWAY ADDITION, SECTION 2, A PLANNED UNIT DEVELOPMENT

LOCATION: Generally located 700-feet north of Market Place and west of Interstate 35.

INFORMATION:

- 1. Owner. Hallbrooke Development Group One, L.L.C.
- 2. <u>Developer</u>. Hallbrooke Development Group One, L.L.C.
- 3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

- 1. <u>July 10, 1979</u>. City Council, on a vote of 7-2, approved a request for the construction of a total retention waste stabilization lagoon.
- 2. <u>July 12, 1979</u>. Planning Commission, on a vote 8-0, tabled a request for rezoning a portion of this property from A-2 to I-1 zoning classification and the preliminary plat for Indian Hill Research Park Addition.
- 3. <u>July 10, 1980</u>. Planning Commission, on a vote of 8-1, recommended to City Council that a portion of this property should not be placed in I-l and removed from A-2 zoning classification.
- 4. <u>July 10, 1980</u>. Planning Commission, on a vote of 9-0, tabled the preliminary plat for Indian Hill Research Park Addition.
- 5. <u>July 29, 1980</u>. City Council adopted Ordinance No. O-7879-78 placing a portion of this property in I-1, and removing it from A-2 zoning classification.
- 6. <u>September 11, 1980</u>. Planning Commission, on a vote of 7-0, postponed the preliminary plat for Indian Hill Research Park Addition at the request of the applicant.

HISTORY (con't):

- 7. <u>June 14, 2001</u>. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for Commerce Parkway Addition be approved.
- 8. <u>August 2, 2001</u>. City Council approved the preliminary plat for Commerce Parkway Addition.
- 9. <u>September 12, 2002</u>. Planning Commission, on a vote of 8-0, recommended to City Council that the alley requirements be waived and the revised preliminary plat for Commerce Parkway Addition be approved.
- 10. November 26, 2002. City Council approved a request to waive the alley requirements and approved the revised preliminary plat for Commerce Parkway Addition.
- 11. <u>February 13, 2003</u>. Planning Commission, on a vote of 8-0 recommended to the City Council that the final plat for Commerce Parkway Addition be approved.
- 12. <u>July 7, 2005.</u> The Norman Board of Parks Commissioners, on a vote of 5-0, recommended fee in lieu of park land for the proposed residential lots for Commerce Parkway Addition, a Planned Unit Development.
- 13. <u>July 14, 2005.</u> Planning Commission, on a vote of 5-0, recommended to City Council the amendment of the NORMAN 2025 Land Use and Transportation Plan to place this property in Commercial, Medium Density Residential, and Open Space/Park Designations and remove it from Industrial Designation.
- 14. <u>July 14, 2005.</u> Planning Commission, on a vote of 5-0, recommended to City Council that this property be placed in the Planned Unit Development District and removed from I-1, Light Industrial District.
- 15. <u>July 14, 2005.</u> Planning Commission, on a vote of 5-0, recommended that the preliminary plat for Commerce Parkway Addition, a Planned Unit Development, be approved.
- 16. <u>September 13, 2005.</u> City Council amended the NORMAN 2025 Land Use and Transportation Plan placing this property in Commercial Designation and removing it from Industrial Designation.
- 17. <u>September 13, 2005.</u> City Council adopted Ordinance No. O-0506-3 placing this property in the Planned Unit Development and removing it from Industrial zoning classification.

HISTORY (con't):

- 18. <u>September 13, 2005</u>. City Council approved a request to waive alley requirements and approved the preliminary plat for Commerce Parkway Addition, a Planned Unit Development.
- 19. <u>July 8, 2010</u>. Planning Commission, on a vote of 8-0, amended Planned Unit Development Ordinance No. O-0506-3.
- 20. <u>July 8, 2010</u>. Planning Commission, on a vote of 8-0, recommended approval of the revised preliminary plat for Commerce Parkway Addition, a Planned Unit Development.
- 21. <u>August 24, 2010</u>. City Council amended Planned Unit Development Ordinance No. O-0506-3, waived alley and sidewalk requirements for this property and approved the revised preliminary plat for Commerce Parkway Addition, a Planned Unit Development.

IMPROVEMENT PROGRAM:

- 1. <u>Alley</u>. City Council, at its meeting of August 24, 2010, approved the request to waive alley requirements.
- 2. <u>Fire Hydrant</u>. Fire hydrants will be installed in accordance with approved plans and City standards. Their locations will be reviewed by the Fire Department.
- 3. <u>Permanent Markers</u>. Permanent markers will be installed prior to City acceptance of the street improvements.
- 4. <u>Sanitary Sewers</u>. This development will utilize the City of Moore sanitary sewer services. An agreement has been submitted to Staff. Private sanitary sewer mains will serve the development including lift station and force main. Oklahoma Department of Environmental Quality has approved the plan and the Hallbrooke Development Group, L.L.C, will be the responsible group for maintenance of the system.
- 5. <u>Sidewalks</u>. City Council, at its meeting of August 24, 2010, approved a request to waive sidewalk.
- 6. <u>Storm Sewers</u>. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A privately-maintained detention facility will be utilized. An existing detention facility platted with Commerce Parkway Addition, Section 1, will be reshaped and reconstructed.

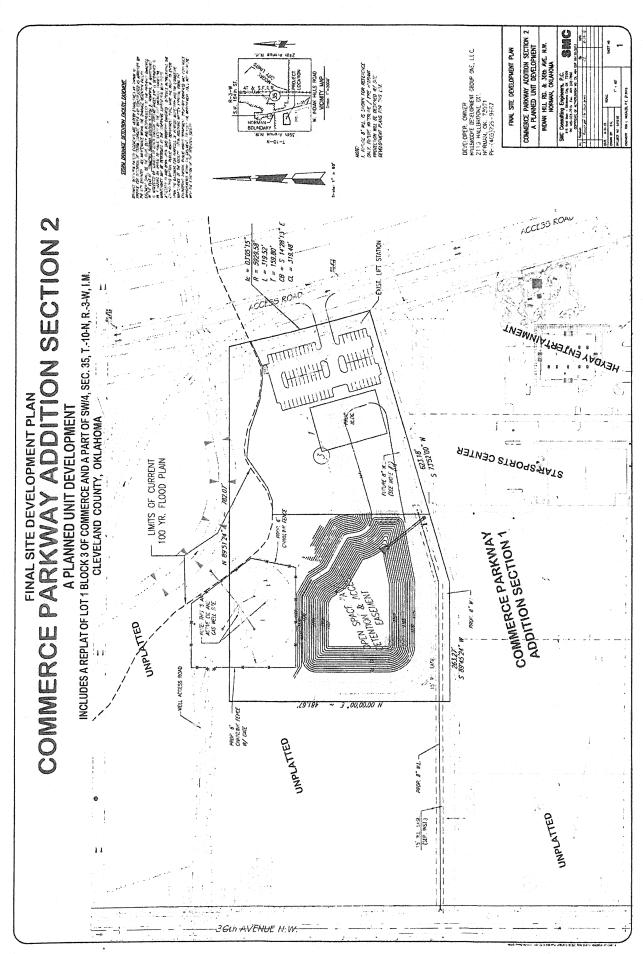
IMPROVEMENT PROGRAM, (con't):

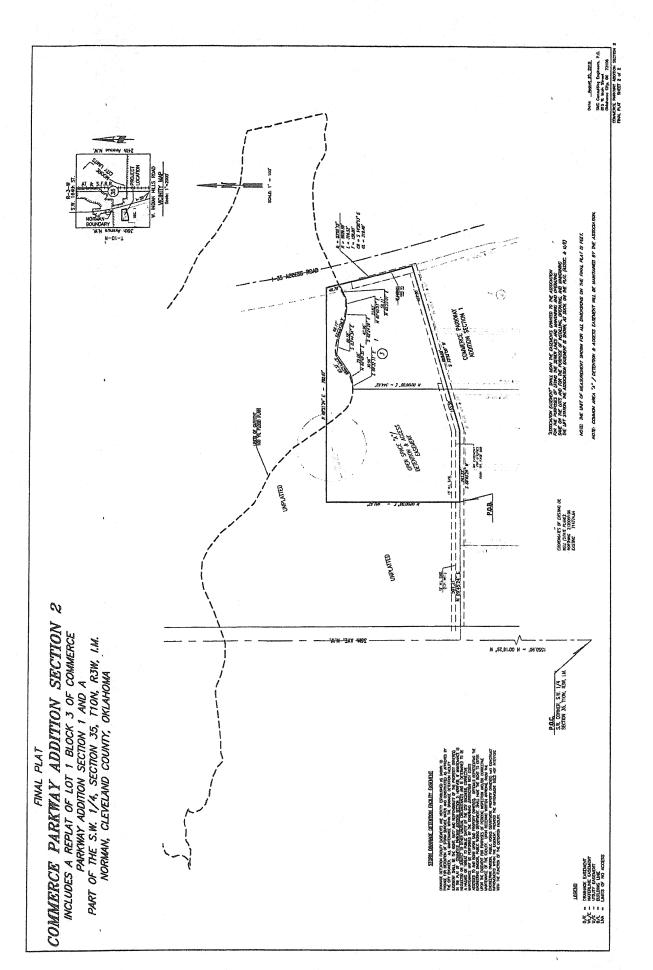
- 7. Streets. Streets are existing.
- 8. <u>Water Mains</u>. Water mains will be installed in accordance with approved plans and City water standards. In order to provide adequate water pressure and fire protection, the developer will be required to construct a looped water system.

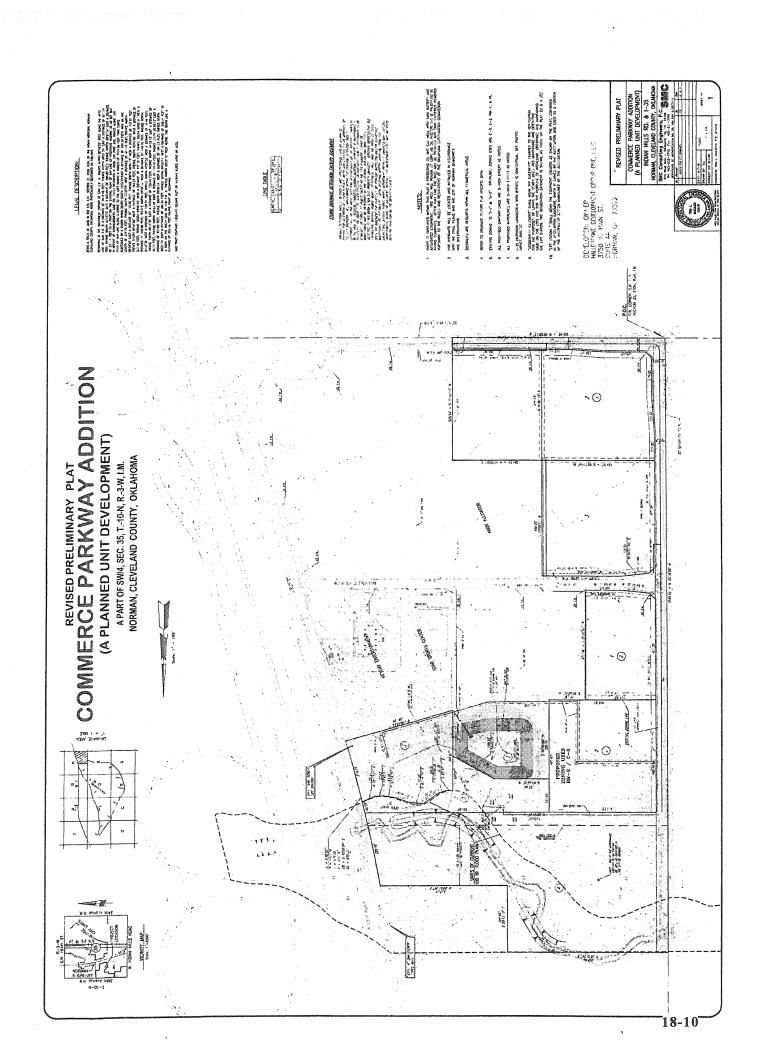
PUBLIC DEDICATIONS:

- 1. Easements. All required easements are dedicated to the City on the final plat.
- 2. Rights-of-Way. Street rights-of-way are dedicated to the City on the final plat.
- SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final site development plan and final plat are included in the Agenda Book.
- STAFF COMMENTS AND RECOMMENDATION: Based on the fact the final plat is consistent with the approved revised preliminary plat, staff recommends approval of the final plat for Commerce Parkway Addition, Section 2, a Planned Unit Development.
- **ACTION NEEDED**: Recommend approval or disapproval of the final site development plan and the final plat for Commerce Parkway Addition, Section 2, a Planned Unit Development.

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ACTION TAKEN:	
ACTION TAKEN.	







NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES

SEPTEMBER 9, 2010

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of September, 2010. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:35 p.m.

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Cynthia Gordon
Diana Hartley
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

None

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning & Community Development

Doug Koscinski, Manager, Current Planning

Division

Ken Danner, Development Coordinator Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney

Larry Knapp, GIS Analyst

Chairman Trachtenberg welcomed new Commissioner Cynthia Gordon.

* * *

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES September 9, 2010, Page 2

Item No. 2, being:

CONSENT DOCKET

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE AUGUST 26, 2010 REGULAR SESSION MINUTES AND AUGUST 26, 2010 STUDY SESSION MINUTES

Item No. 4, being:

FP-1011-4 - CONSIDERATION OF A FINAL PLAT SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR COMMERCE PARKWAY ADDITION SECTION 2, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED APPROXIMATELY 700 FEET NORTH OF MARKET PLACE ON THE WEST SIDE OF THE I-35 FRONTAGE ROAD.

Item No. 5, being:

FP-1011-5 - CONSIDERATION OF A FINAL PLAT SUBMITTED BY MISSION NORMAN, INC. (CORNERSTONE SURVEYING) FOR MISSION NORMAN ADDITION, LOCATED AT 2525 E. LINDSEY STREET.

Item No. 6, being:

FP-1011-6 - CONSIDERATION OF A FINAL PLAT SUBMITTED BY SKS1, L.L.C. (SMC Consulting Engineers, P.C.) for <u>FOUNTAIN VIEW ADDITION</u>, <u>SECTION 1</u> (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48th Avenue N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 7, being:

FP-1011-7 - CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 2 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 8, being:

FP-1011-8 -- CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC Consulting Engineers, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 3 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48th Avenue N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Chairman Trachtenberg asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES September 9, 2010, Page 3

Jim Gasaway moved to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Andy Sherrer seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS

Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty,

Cynthia Gordon, Roberta Pailes, Andy Sherrer, Jim

Gasaway, Zev Trachtenberg

NAYES

None

MEMBERS ABSENT

None

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 9-0.

* * *

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES September 9, 2010, Page 5

Item No. 4, being:

FP-1011-4 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>COMMERCE PARKWAY ADDITION SECTION 2</u>, <u>A Planned Unit Development</u>, generally located approximately 700 feet north of Market Place on the West side of the I-35 Frontage Road.

ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Final Plat
- 3. Staff Report
- 4. Final Site Development Plan
- 5. Revised Preliminary Plat

This item was approved as submitted on the Consent Docket by a vote of 9-0.

* * *



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 19

Text File Number: COS-1011-2

Introduced: 7/13/2010 by Ken Danner, Development Manager Current Status: Consent Item

Version: 1 Matter Type: Certificate of Survey

Title

CONSIDERATION OF RURAL CERTIFICATE OF SURVEY NO. COS-1011-2 FOR MAYNARD ACRES SUBMITTED BY RICK MAYNARD WITH A VARIANCE TO THE MINIMUM ACREAGE REQUIREMENTS FOR TRACTS 1 AND 2 AND ACCEPTANCE OF EASEMENT NO. E-1011-20. (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 72ND AVENUE S.E. AND CEDAR LANE ROAD)

ACTION NEEDED: Motion to approve or reject Rural Certificate of Survey No. COS-1011-2 for Maynard Acres with a variance to the minimum acreage requirements for Tracts 1 and 2; and, if approved, accept Easement No. E-1011-20 and direct the filing of the rural certificate of survey and the easement with the Cleveland County Clerk.

ACTION TAKEN:	

Body

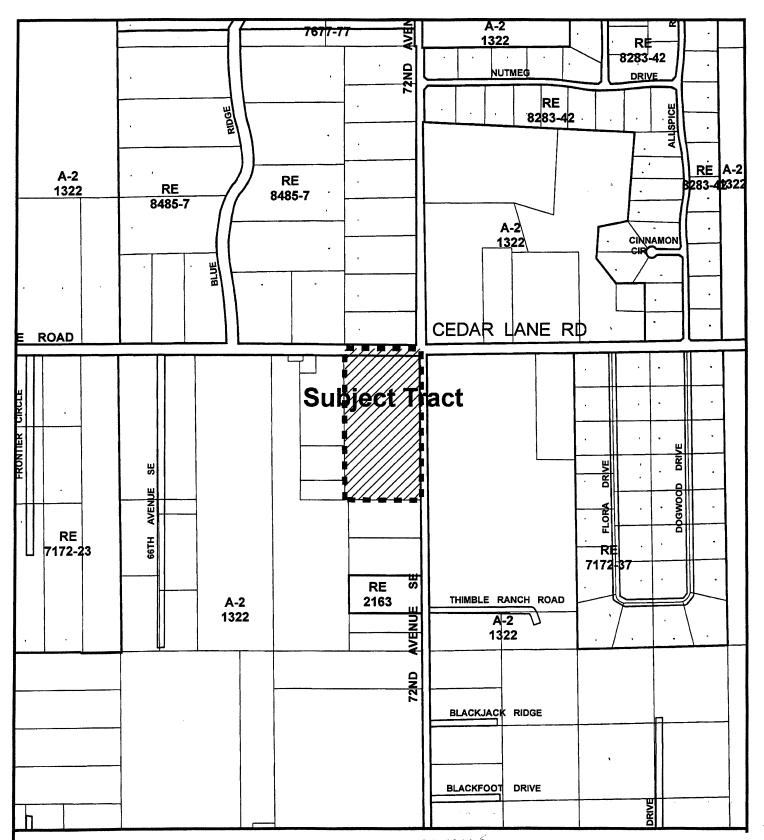
BACKGROUND: This item is Norman Rural Certificate of Survey No. COS-1011-2 located at the southwest corner of the intersection of Cedar Lane Road and 72nd Avenue SE. The property is currently located in the A-2, rural agricultural zoning district.

<u>DISCUSSION</u>: Tract 1 consists of 9.980 acres and Tract 2 consists of 9.979 acres. There are a total of two tracts encompassing 19.96 acres in this certificate of survey. The surveyor is requesting a variance in minimum acreage requirements based on the fact this is a short section. This certificate of survey, if approved, will allow the construction of one single family home on each tract. There is an existing structure on Tract 1

Private water and sanitary sewer systems will be installed in accordance with the Oklahoma Department of Environmental Quality standards for Tract 2. Fire protection will be provided by the City of Norman pumper/tanker trunks.

Roadway Easement No. E-1011-20 for 72nd Avenue SE and Cedar Lane Road is included with the certificate of survey documentation.

RECOMMENDATION: Based upon the above information, staff recommends approval of Norman Rural Certificate of Survey No. COS-1011-2 for Maynard Acres and acceptance of Easement No. E-1011-20.



Location Map



Map Produced by the City of Norman Geographic Information System. (405) 366-5436 The City of Norman assumes no responsibility for errors or omissions

in the information presented.

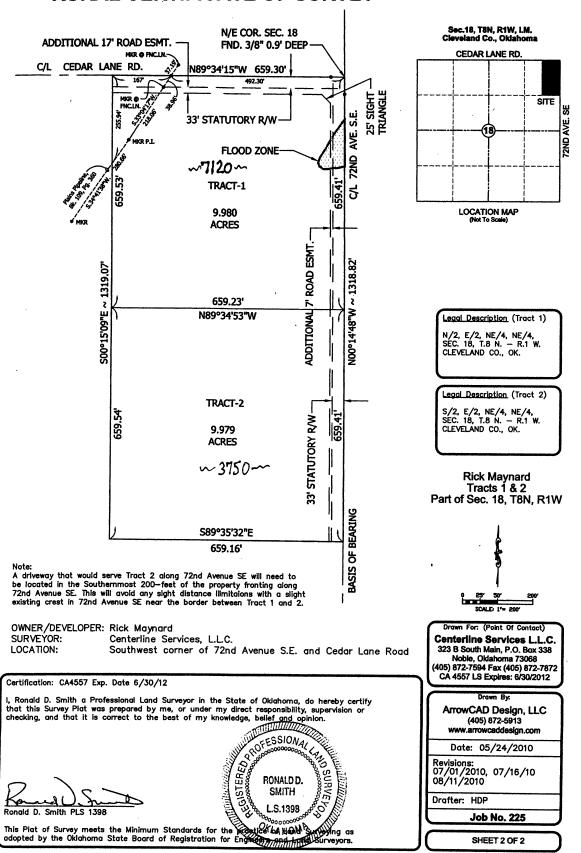


COS-1011-2 Norman Rural Certificate of Survey MAYNARD ACRES

Owner/Developer: Rick Maynard

Engineer/Surveyor: Centerline Services, L.L.C.

MAYNARD ACRES RURAL CERTIFICATE OF SURVEY



Certificate of Survey

I, Ronald D. Smith, a Professional Land Surveyor hereby certify that the attached drawing is a true and accurate representation of a survey of the described property.

I further certify that this survey meets or exceeds the current "Oklahoma Minimum Standards for The Practice of Land Surveying" as adopted by the Oklahoma State Board of Registration For Professional Engineers and Land Surveyors.

	Ronald D. Smith PLS 1398
NOTARY	•
State of Oklahoma County of Cleveland Before me, a Notary Public in and for said Con 20 10, person identical person who executed the within and is same as his free and voluntary act & deed.	county and State, on this 25 71 day of ally appeared, Ronald D. Smith, to me known to be the coregoing instrument and acknowledged to me he executed the
Notary Public in and for State of Oklahoma 09005156 My Commission Expires June 19, 2013	Notary Public
NORMAN PLANNING COMMISSION	
Accepted by The City of Norman, Oklahoma, of Hugust, 2010	Planning Commission on this 26 TH day
	Tradululung
NOTARY	Chairman
, to me known to be the	anty and State on this <u>Zerry</u> day of personally appeared, <u>Zen Trachtenberg</u> , le identical person who executed the within and foregoing cuted the same as his free and voluntary act and deed. Notary Public
NORMAN CITY COUNCIL	
Accepted by the City of Norman, City Council	on thisday of
NOTARY City Clerk	Mayor
State of Oklahoma County of Cleveland Before me, a Notary Public, in and for the said	APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT BYDATE
 personally appeared. 	County and State, on this day of, to me known to be the identical person ent and acknowledged to me he executed the same as his free

Centerline Services L.L.C.

Tract 1

The North Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 18, Township 8 North, Range 1 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows: Beginning at the northeast corner of said Section 18 thence N. 89°34'15" W. along the north line of said Section 18 a distance of 659.30 feet; thence S. 00°15'09" E. a distance of 659.53 feet; thence S.89°34'53" E. a distance of 659.23 feet; thence N. 00°14'48" W. along the east line of said Section 18 a distance of 659.41 feet to the point of beginning, containing 9.98 acres more or less.

Tract 2

The South Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 18, Township 8 North, Range 1 West of the Indian Meridian, Cleveland County, Oklahoma. Commencing at the Northeast corner of Section 18 thence S. 00°14'48" E. along the East line of said Section 18 a distance of 659.41 feet to the point of beginning; thence N. 89°34'53"W. a distance of 659.23 feet; thence S. 00°15'09" E. a distance of 659.16 feet; thence N. 00°14'48" W along the East line of said Section 18 a distance of 659.41 feet to the point of beginning, containing 9.98 acres more or less.

Centerline Services L.L.C.

19 July, 2010

City of Norman

As you review the Certificate of Survey for Maynard Acres, be aware of the fact that the Section is a short Section. Our Legal Description is an Aliquot Description of 20 acres. Because the Section is short our 20 acres is a fraction smaller than 20 acres. If you have any questions please contact me.



Best Regards:

Ronald D. Smith, PLS

GRANT OF EASEMENT

THAT. Chard Mayre Mayor wire consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:
See Attached Exhibit "A"
with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadways, drainage and utilities as indicated below:
Roadways, drainage and utilities
To have and to hold the same unto the said City, its successors, and assigns forever.
SIGNED and delivered this 01 day of Spenber. 2010.
BY: Kertallogu Mage & BY:
REPRESENTATIVE ACKNOWLEDGMENT STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:
Before me, the undersigned, a Notary Public in and for said County and State, on this day of sept, 200, personally appeared kichned w. Maywood, , to me known to be the identical person(s) who executed the foregoing grant
of easement and acknowledged to me that $h \in \mathbb{R}$ executed the same as $h \in \mathbb{R}$ free and voluntary act and deed for the uses and purposes therein set forth.
WITNESS my hand and seal the day and year last above written Notary Public OFFICIAL SEAL Millio E Strange
My Commission Expires: 8 26/2012 PUBLIC Millie E. Stewart Commission # 08008882
Approved as to form and legality this / of day of, 20/0.
Approved and accepted by the Council of the City of Norman, this day of, 19

Mayor

EXHIBIT "A"

17 Feet along Cedar Lane Road

Commencing at the Northeast corner of Section 18, Township 8 North, Range 1 West, of the Indian Meridian, Cleveland County, Oklahoma. Thence N.89°34'15"W. along the North line of said Section a distance of 33.0 feet; thence S.00°14'48"E. a distance of 33.0 feet to the point of beginning; thence N.89°34'15"W. and parallel with the North line of said Section a distance of 626.30 feet; thence S.00°15'09"E. a distance of 17.0 feet; thence S.89°34'15"E. and parallel with the North line of said Section a distance of 626.30 feet; thence N.00°14'48"W. a distance of 33.0 feet to the point of beginning.

7 feet along 72nd Ave.

Commencing at the Northeast corner of Section 18, Township 8 North, Range 1 West, of the Indian Meridian, Cleveland County, Oklahoma. Thence S.00°14'48"E. along the East line of said Section a distance of 33.0 feet to the point of beginning. Thence S.00°14'48"E. a distance a distance of 1283.82 feet; thence S.89°35'32"E. a distance of 7.0 feet; thence N.00°14'48"W. and parallel with the East line of said Section a distance of 1260.82 feet; thence N.45°14'48"W. a distance of 35.36 feet; thence S.89°34'15"E. a distance of 32.0 feet to the point of beginning.

CERTIFICATE OF SURVEY

ITEM NO. 4

STAFF REPORT

ITEM: Consideration of NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1011-2 FOR MAYNARD ACRES.

LOCATION: Located at the southwest corner of the intersection of Cedar Lane Road and 72nd Avenue SE.

INFORMATION:

- 1. Owners. Rick Maynard
- 2. Developer. Rick Maynard
- 3. Surveyor. Centerline Services, LLC

HISTORY:

1. The property for the proposed development is A-2 zoning classification.

IMPROVEMENT PROGRAM:

- 1. <u>Fire Protection</u>. Fire protection will be provided by the Norman Fire Department with use of a pumper/tanker truck.
- 2. <u>Sewage</u>. Individual septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
- 3. <u>Water</u>. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
- 4. <u>Easements</u>. Roadway/drainage/utilities will be granted as part of the Certificate of Survey documents and will be filed of record with the County Clerk.
- 5. Acreage. Tract 1 consists of 9.980 acres and Tract 2 consists of 9.979 acres.

IMPROVEMENT PROGRAM, (con't):

- 6. <u>Flood Plain</u>. Tract 1 contains a small portion of flood plain. However, the owners do not intend to build in the flood plain. There is an existing residential structure located on Tract 1. Its location is well outside of the flood plain.
- **SUPPLEMENTAL MATERIAL**: Copies of a location map, Certificate of Survey No. COS-1011-2 and letter of request for variance for Maynard Acres are included in the Agenda Book.
- **STAFF COMMENTS AND RECOMMENDATION**: The surveyor has made a request to vary the minimum acreage requirements for Tracts 1 and 2. The surveyor has indicated that this is a short section and there is not a possibility of a total of 20 acres. Tract 1 consists of 9.980 acres and Tract 2 consists of 9.979 acres.
- **ACTION NEEDED:** Recommend approval or disapproval of Certificate of Survey No. COS-1011-2 for Maynard Acres, with a variance to the minimum acreage requirements for Tracts 1 and 2, to City Council.

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ACTION TAKEN:	

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES

AUGUST 26, 2010

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 26th day of August, 2010. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:30 p.m.

Item No. 1, being: ROLL CALL

MEMBERS PRESENT

Diana Hartley
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Cynthia Gordon

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning & Community Development

Doug Koscinski, Manager, Current Planning

Division

Ken Danner, Development Coordinator Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Rick Hoffstater, GIS Analyst

* * *

Item No. 2, being:

CONSENT DOCKET

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE JULY 8, 2010 REGULAR SESSION MINUTES AND JULY 22, 2010 STUDY SESSION MINUTES

Item No. 4, being:

COS-1011-2 -- CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY RICK MAYNARD (CENTERLINE SERVICES, L.L.C.) FOR MAYNARD ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 72ND AVENUE S.E. AND CEDAR LANE ROAD.

Item No. 5, being:

COS-1011-3 -- CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY THE MCGUIRE FAMILY TRUST (HALE & BUCKLEY SURVEY COMPANY, INC.) FOR <u>HANSMEYER ACRES</u>, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 36TH AVENUE N.E. AND ROCK CREEK ROAD.

Item No. 6, being:

SFP-1011-2 -- CONSIDERATION OF A SHORT FORM PLAT, A SUBDIVISION OF LOT 2, BLOCK 2 OF A REPLAT OF LOT 1, BLOCK 2, <u>UNIVERSITY NORTH PARK SECTION I, A PLANNED UNIT DEVELOPMENT</u>, SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.), GENERALLY LOCATED WEST OF 24TH AVENUE N.W. APPROXIMATELY 1/4 MILE NORTH OF ROBINSON STREET.

Item No. 7, being:

PP-1011-4 -- CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY ADBAR, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR <u>ADBAR ADDITION NO. 4</u>, GENERALLY LOCATED EAST OF UNIVERSITY BOULEVARD AND IMMEDIATELY NORTH OF 1043 N. UNIVERSITY BOULEVARD.

Item No. 8, being:

FP-1011-2 -- CONSIDERATION OF A FINAL PLAT SUBMITTED BY CLIFF MURDOCK (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, A REPLAT OF A PORTION OF LOT 1 AND LOT 1A, BLOCK 3, NORMANDY ACRES FIRST ADDITION, GENERALLY LOCATED SOUTH AND WEST OF THE CORNER OF WEST MAIN STREET AND 24TH AVENUE S.W.

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Chairman Trachtenberg asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Jim Gasaway moved to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty,

Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev

Trachtenberg

NAYES None

MEMBERS ABSENT Cynthia Gordon

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES August 26, 2010, Page 5

Item No. 4, being:

COS-1011-2 -- CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY RICK MAYNARD (CENTERLINE SERVICES, L.L.C.) FOR <u>MAYNARD ACRES</u>, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 72^{ND} AVENUE S.E. AND CEDAR LANE ROAD.

ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Certificate of Survey
- 3. Staff Report
- 4. Request for Variance of the Minimum Acreage Requirement

This item was approved on the Consent Docket by a vote of 8-0.

* * *



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 20

Text File Number: COS-1011-3

Introduced: 7/13/2010 by Ken Danner, Development Manager Current Status: Consent Item

Version: 1 Matter Type: Certificate of Survey

Title

CONSIDERATION OF RURAL CERTIFICATE OF SURVEY NO. COS-1011-3 FOR HANSMEYER ACRES SUBMITTED BY THE MCGUIRE FAMILY TRUST GENERALLY LOCATED AT THE NORTHWEST CORNER OF 36TH AVENUE N.E. AND EAST ROCK CREEK ROAD AND ACCEPTANCE OF EASEMENT NOS. E-1011-21 AND E-1011-22.

ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1011-3 for Hansmeyer Acres; and, if approved, accept the easements and direct the filing of the rural certificate of survey and easements with the Cleveland County Clerk.

ACTION TAKEN:	

Body

BACKGROUND: This item is Norman Rural Certificate of Survey No. COS-1011-3 located at the northwest corner of the intersection of East Rock Creek Road and 36th Avenue NE. The property is currently located in the A-2, rural agricultural zoning district.

<u>DISCUSSION</u>: Each lot fulfills the (10) ten-acre minimum requirement. Tract 1 consists of 20.00 acres and Tract 2 consists of 10.00 acres, Tract 3 consists of 10.62 acres, Tract 4 consists of 10.62 acres and Tract 5 consists of 10.62 acres. There are a total of five tracts encompassing 61.86 acres in this certificate of survey. This certificate of survey, if approved, will allow the construction of one single family home on each tract.

Private sanitary sewer systems will be installed in accordance with the Oklahoma Department of Environmental Quality standards. Fire protection will be provided by the City of Norman pumper/tanker trunks. There is a potential that Tracts 2 through 5 will utilize public water. There is an existing eight-inch (8") water line adjacent to 36th Avenue NE served by a water well. New driveway permit applications will be routed through the City Traffic Engineer or his designee for review. All proposed driveways will be located within an area where all sight distance requirements are satisfied. Currently, the plan is an individual will purchase Tracts 1 and 2 with the intent to build on Tract 2.

Roadway Easement No. E-1011 21 and No. E-1011-22 for Rock Creek Road and 36th Avenue NE are included with the certificate of survey documentation.

RECOMMENDATION: Based upon the above information, staff recommends approval of Norman Rural Certificate of Survey No. COS-1011-3 for Hansmeyer Acres and acceptance of the easements.

City Council Agenda

ITEM: CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1011-3, HANSMEYER ACRES.

LOCATION: Located at the northwest corner of the intersection of Rock Creek Road and 36th Avenue NE.

INFORMATION:

- 1. Owner. McGuire Family Trust
- 2. Surveyor. Hale and Buckley Survey Co., Inc.

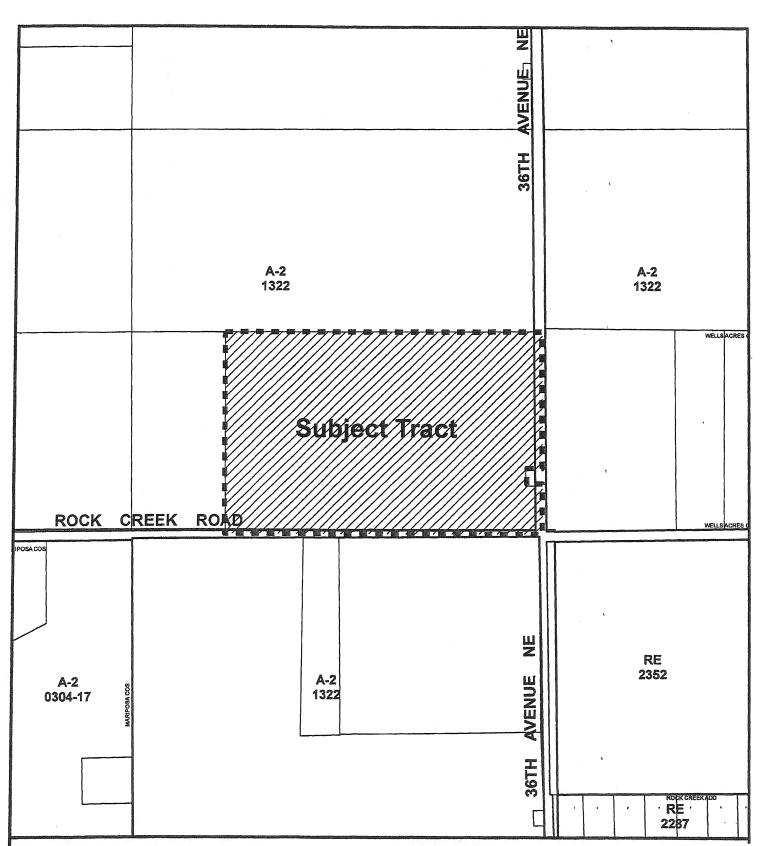
HISTORY:

- 1. Refer to the Planning Commission Staff Report, August 12, 2010.
- 2. <u>August 26, 2010 (Special Meeting)</u>. Planning Commission, on a vote of 8-0, recommended to City Council that Certificate of Survey No. COS-1011-3 for Hansmeyer Acres be approved.

PUBLIC DEDICATIONS:

- 1. <u>Easements</u>. Roadway and utility easements are included with the Certificate of Survey COS -1011-3 documentation.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; certificate of survey; Staff Report recommending approval; pertinent excerpts from the Planning Commission minutes and Predevelopment Summary are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject Certificate of Survey No. COS-1011-3 Hansmeyer Acres and, if approved, direct the filing of Certificate of Survey No. COS-1011-3 Hansmeyer Acres with the County Clerk.

ACTION TAKEN:	



Location Map



Map Produced by the City of Norman Geographic Information System. (405) 366-5436 The City of Norman assumes no responsibility for errors or omissions in the information presented.

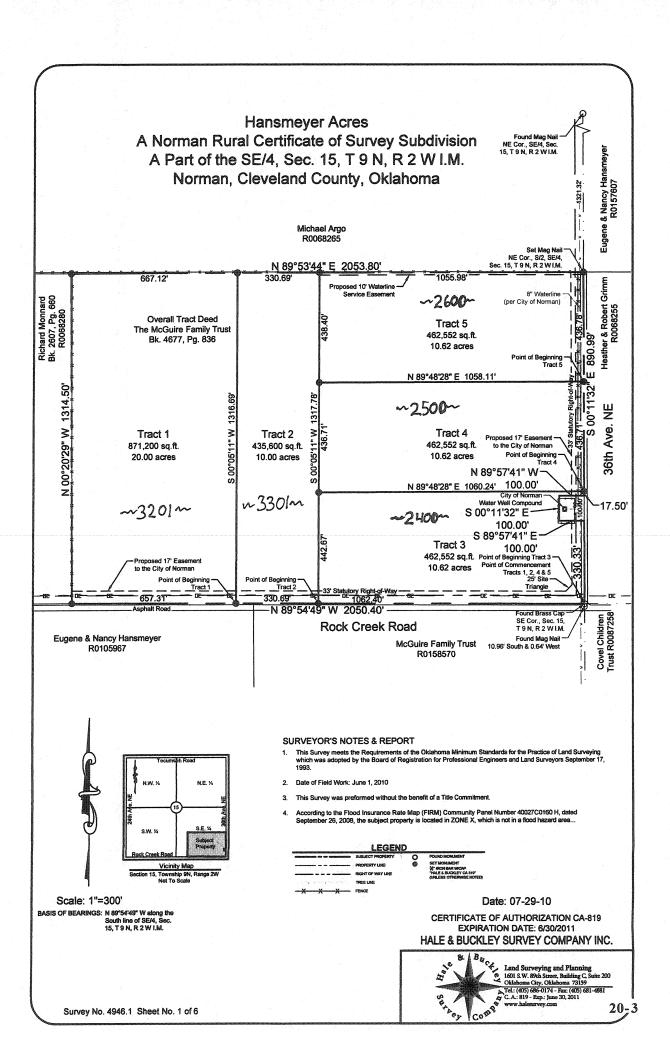


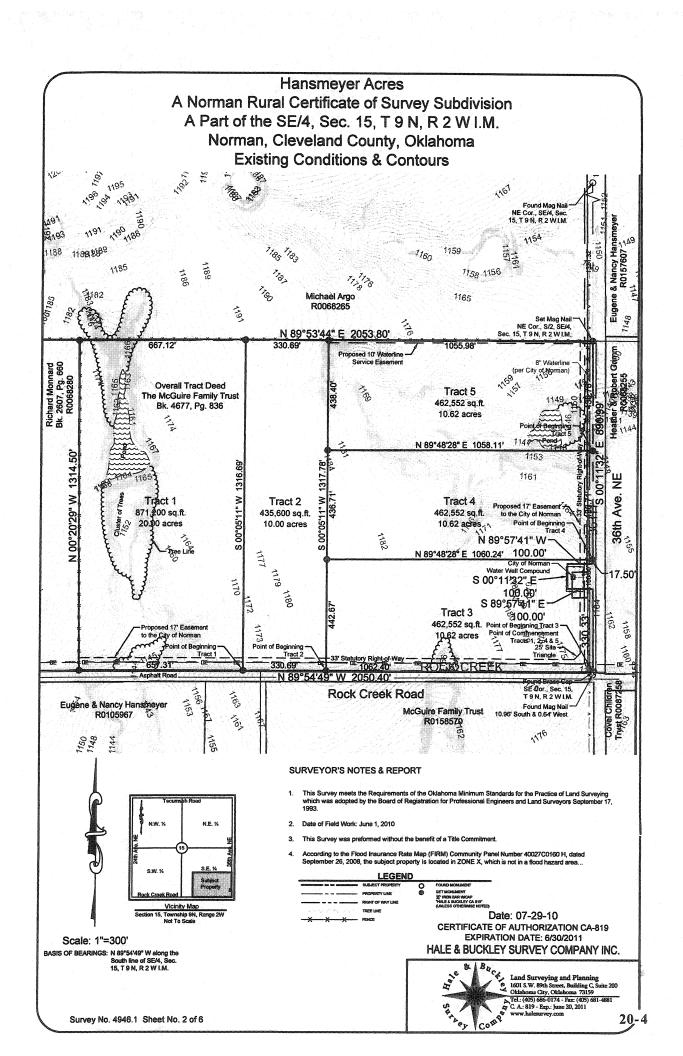
COS-1011-3 Norman Rural Certificate of Survey HANSMEYER ACRES

Owner/Developer: McGuire Family Trust Engineer/Surveyor: Hale & Buckley Survey

Company, Inc.

5-1





LEGAL DESCRIPTIONS

Tract 1

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on June 5, 2010, said tract being further described as:

Commencing at the Southeast Corner of said SE/4; Thence North 89°54'49" West as the basis of bearing along the South line of said SE/4 a distance of 1393.09 feet to the Point of Beginning;

Thence continuing North 89°54'49" West a distance of 657.31 feet; Thence North 00°20'29" West a distance of 1314.50 feet to the North line of the S/2 of said SE/4; Thence North 89°53'44" East along the North line of the S/2 of said SE/4 a distance of 667.12 feet; Thence South 00°05'11" West a distance of 1316.69 feet to the Point of Beginning. Containing 871,200 square feet or 20.00 acres, more or less.

Tract 2

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on June 5, 2010, said tract being further described as:

Commencing at the Southeast Corner of said SE/4; Thence North 89°54'49" West as the basis of bearing along the South line of said SE/4 a distance of 1062.40 feet to the Point of Beginning;

Thence continuing North 89°54'49" West a distance of 330.69 feet; Thence North 00°05'11" East a distance of 1316.69 feet to the North line of the S/2 of said SE/4; Thence North 89°53'44" East along the North line of the S/2 of said SE/4 a distance of 330.69 feet; Thence South 00°05'11" West a distance of 1317.78 feet to the Point of Beginning. Containing 435,600 square feet or 10.00 acres, more or less.

Tract 3

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on June 5, 2010, said tract being further described as:

Beginning at the Southeast Corner of said SE/4; Thence North 89°54'49" West as the basis of bearing along the South line of said SE/4 a distance of 1062.40 feet; Thence North 00°05'11" East a distance of 442.67 feet; Thence North 89°48'28" East a distance of 1060.24 feet to the East line of said SE/4; Thence South 00°11'32" East along the East line of said SE/4 a distance of 17.50 feet; Thence North 89°57'41" West a distance of 100.00 feet; Thence South 00°11'32" East a distance of 100.00 feet; Thence South 89°57'41" East a distance of 100.00 feet to the East line of said SE/4; Thence South 00°11'32" East along the East line of said SE/4 a distance of 330.33 feet to the Point of Beginning. Containing 462,552 square feet or 10.62 acres, more or less.

Tract 4

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on June 5, 2010, said tract being further described as:

Commencing at the Southeast Corner of said SE/4; Thence North 00°11'32" West as the basis of bearing along the East line of said SE/4 a distance of 447.83 feet to the Point of Beginning;

Thence South 89°48'28" West a distance of 1060.24 feet; Thence North 00°05'11" East a distance of 436.71 feet; Thence North 89°48'28" East a distance of 1058.11 feet to the East line of said SE/4; Thence South 00°11'32" East along the East line of said SE/4 a distance of 436.71 feet to the Point of Beginning. Containing 462,552 square feet or 10.62 acres, more or less.

Tract 5

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on June 5, 2010, said tract being further described as:

Commencing at the Southeast Corner of said SE/4; Thence North 00°11'32" West a as the basis of bearing along the East line of said SE/4 a distance of 884.54 feet to the Point of Beginning;

Thence South 89°48'28" West a distance of 1058.11 feet; Thence North 00°05'11" East a distance of 438.40 feet to the North line of the S/2 of said SE/4; Thence North 89°53'44" East along the North line of the S/2 of said SE/4 a distance of 1055.98 feet to the NE Cor. of the S/2 of said SE/4; Thence South 00°11'32" East along the East line of said SE/4 a distance of 436.78 feet to the Point of Beginning. Containing 462,552 square feet or 10.62 acres, more or less.

SURVEYOR'S CERTIFICATE

I. Curtis Lee Hale, a registered Land Surveyor, do hereby certify that a careful survey has been made under my supervision on the above described properly as shown on the annexed plat hereto and there are no encroachments except if shown hereon. This Survey was made for the above stated purpose only and no other responsibility is hereby assumed. Dated at Oklahoma City, Oklahoma on this 7th day of June, 2010.

CURTIS L. HALE L.L.S. 1084
HALE & BUCKLEY SURVEY COMPANY, INC.

CURTIS LEE HALE
L.S. 1084
O/77, AHOM

Date: 07-29-10

CERTIFICATE OF AUTHORIZATION CA-819

EXPIRATION DATE: 6/30/2011

HALE & BUCKLEY SURVEY COMPANY INC.



Certificate of Survey

I, Curtis L. Hale, a Professional Land Surveyor hereby certify that the attached drawing is a true and accurate representation of a survey of the described property and is subject to the following notes and qualifying statements.

I further certify that this survey meets or exceeds the current "Oklahoma Minimum Standards for the Practice of Land Surveying" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Legal Description of Overall Parent Tract

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described BY Curtis L. Hale, PLS 1084, on June 5, 2010, said Tract being further described as;

Beginning at the Southeast Corner of said SE/4; Thence North 89°54'49" West as the basis of bearing along the South line of said SE/4 a distance of 2050.40 feet; Thence North 00°20'29" West a distance of 1314.50 feet; Thence North 89°53'44" East a distance of 2053.80 feet to the East line of said SE/4; Thence South 00°11'32" East along the East line of said SE/4 a distance of 890.99 feet; Thence North 89°57'41" West a distance of 100.00 feet; Thence South 00°11'32" East a distance of 100.00 feet; Thence South 89°57'41" East a distance of 100.00 feet to the East line of said SE/4; Thence South 00°11'32" East along the East line of said SE/4 a distance of 330.33 feet to the Point of Beginning.

Surveyor's Notes and Report

- The Boundary of the Southeast Quarter (SE/4) of Section 15, Township 9 North, Range 2 West of the Indian Meridian, Cleveland County is based on the original Bureau of Land Management (BLM) survey and the General Land Office (GLO) notes of the survey approved January, 1874. It is further based on Oklahoma Certified Corner Records (OCCR) on file with the Oklahoma Department of Libraries, Archives & Record Division in Oklahoma City.
- 2. The outer boundary of the proposed Hansmeyer Acres Addition is based on the Quit Claim Deed to Sharon Hansmeyer McGuire recorded in Book 2607, Page 652, Warranty Deed to Richard Monnard recorded in Book 2607, Page 660 and Warranty Deed to the City of Norman recorded in Book 291, Page 355, all said Books of record are filed in the Cleveland County Court House, County Clerk's office, Norman Oklahoma.
- 3. There is to be an additional 17 foot Easement granted to the City of Norman along the existing 33 foot statutory section line rights-of-way on the South and East side of the property, and a 25 foot site triangle at the Northwest corner of Rock Creek Road and 36th Avenue Northeast.
- 4. <u>Land Use:</u> The intended use of this development is to remain agricultural in nature as it is presently zoned, with a residential home on each tract created along with outbuildings for livestock, agricultural equipment and recreational vehicles as needed.
- 5. <u>Building Restrictions:</u> Building lines for this development are to be 150 foot front (measured from the Section line), 25 foot side and 50 foot rear. No mobile homes or pre-fabricated homes shall be allowed in this development.
- 6. Water Service: Tract 1 will have an individual water well which shall meet the Oklahoma Department of Environmental Quality standards. Tract 2 shall be served by the City of Norman's existing 8-inch waterline located along the West right-of-way of 36th Avenue NE via a private 10 foot waterline service easement across the North 10 feet of Tract 5. Tracts 3, 4 and 5 shall be served by the City of Norman's existing 8-inch waterline located along the West right-of-way of 36th Avenue NE.

Tel: (405) 686-0174 Fax: (405) 681-4881

- Sanitary Sewer Service: Each tract will have individual sanitary sewer systems
 which shall meet the Oklahoma Department of Environmental Quality standards.
 Each tract has adequate area for individual sanitary sewer systems.
- 8. According to the Flood Insurance Rate Map (FIRM) Community Panel Number 40027C0160 H, dated September 26, 2008, the subject property is located in ZONE X, which is not in a flood hazard area.
- 9. This Survey will be filed with the Cleveland County Clerk by the City of Norman after it is approved by all parties. The Survey, in its entirety, shall be attached to any deed, conveyance of title, contract or other instruments prepared in connection with any of the subject property.
- 10. It is advised, by the undersigned, that all adjoining property owners should be contacted prior to building any fences or other structures along or on the property lines. This includes the internal tract lines. If any difference of opinion is indicated a resolution should be reached if possible between the owners on the location of any improvements along or on the property lines. If a resolution cannot be reached the undersigned should be contacted.
- 11. No part of the total "Norman Rural Certificated of Survey Subdivision", including the Legal Descriptions for the five (5) tracts, can be taken out of context without compromising the integrity and intent of this instrument. A complete copy, including all sheet/pages of this "Norman Rural Certificated of Survey Subdivision", shall be attached to and made a part of any deed, conveyance of title or other instrument prepared by others.
- 12. New driveway permit applications will be routed through the City Traffic Engineer, or his designee, for review. The location of all proposed driveway/s will be in conformance with all applicable City of Norman standards. All proposed driveway/s will be located within an area where all sight distance requirements are satisfied

Curtis L. Hale, PLS 1084



NORMAN PLANNING COMMISSION

Accepted by the City of No	orman, Oklah	homa, Planning Commission on this 26711 Day of
August	, 2010.	2 Tructule
NOTARY		Chairman
STATE OF OKLAHOMA COUNTY OF CLEVELA		} } SS. }
of August, 2010	personally a recuted the w	and for said County and State, on this <u>267H</u> day appeared <u>Zes Trachtenberg</u> to me known to be within and foregoing instrument and acknowledged to me d voluntary act and deed.
Ny Commission Expires 6	er unty	Notary Public
NORMAN CITY COUNC	<u>IL</u>	
Accepted by the City of No	rman, Oklaho	noma, City Council on this Day of
	2010.	
<u>ATTEST</u>		APPROVED BY CITY OF NORMAN LEGAL DEPARTMEN BYDATE
City Clerk		
<u>NOTARY</u>		Mayor
STATE OF OKLAHOMA		}
COUNTY OF CLEVELA	ND	} SS. }
	personally an	and for said County and State, on thisday appeared to me known to be within and foregoing instrument and acknowledged to me d voluntary act and deed.
My Commission Expires:		Notary Public

Tel: (405) 686-0174 Fax: (405) 681-4881

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, John L. Cherry, Trustee of the JAGG Family Trust in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See Attached "Easement Description"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadways, drainage and utilities as indicated below:

Dooduw	ays, drainage and utilities
Koadwa	
	To have and to hold the same unto the said City, its successors, and assigns forever.
	SIGNED and delivered this 3 day of Sophember, 2010.
BY:	John I. Cherry, Trustee of the JAGG Family Trust
	DEDDECEDE OFFICE A CHARGANI PROMPNY
	REPRESENTATIVE ACKNOWLEDGMENT
STATE	OF OKLAHOMA, COUNTY OF CLEVELAND, SS:
easem	Before me, the undersigned, a Notary Public in and for said County and State, on this
	WITNESS my hand and seal the day and year last above written. Stilling Stumble Notary Public
Му Со	mmission Expires: NOV. 5, 2010 OTAR, OFFICIAL SEAL PUBLIC Stefanie Stromski

Commission # 02018586 Expires November 5, 2010

	Approved :	as to fo	orm and lega	ality t	his <u>/</u>	47h day of			Romey	Бе. В	,20 <u>_1</u>	9	•	
of	Approved		accepted , 19		the	Council	of	the	City	of	Norman,	this	samapolis anneptitus, n	day
							Mi	ayor				Antonia de la m assa de la massa de la mas		
ATTES	ST:													
City Cl	lerk	parametria in pinton accordin			_									
SEAL:														



Certification of Authorization 819 Expires: June 30, 2011

Easement Description T9N, R2WIM, Section 15, Project No. 4946.2

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on September 3, 2010, said tract being further described as:

Commencing at the Southeast Corner of said SE/4;

Thence North 89°54'49" West as the basis of bearing along the South line of said SE/4 a distance of 2050.40 feet;

Thence North 00°20'29" West a distance of 33.00 feet to the present Right-of-Way also said point being the Point of Beginning:

Thence continuing North 00°20'29" West a distance of 17.00 feet; Thence South 89°54'49" East and parallel to the South line of said SE/4 a distance of 988.37 feet;

Thence South 00°05'11" West a distance of 17.00 feet to the present Right-of-Way;

Thence North 89°54'49" West and parallel to the South line of said SE/4 a distance of 988.25 feet to the Point of Beginning.

Curtis Lee Hale, LS 1084

Date

SECURITERO OF STANKS OF ST

Tel: (405) 686-0174 Fax: (405) 681-4881

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Marlin R. McGuire and Sharon A. McGuire, Trustees under that certain Revocable Living Trust, known as the McGuire Family Trust in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit

See Attached "Tract A Easement Description" and "Tract B Easement Description"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadways, drainage and utilities as indicated below:

maintaining, a	nd operating a public roadways, dramage and attitues as indicated below.
Roadways, dra	ainage and utilities
	ave and to hold the same unto the said City, its successors, and assigns forever.
SIGN	NED and delivered this 9th day of September . 2010.
BY: Mar	lin R. McGuire, Trustee BY: Sharon A. McGuire, Trustee aka Sharon Hansmeyer McGuire
	REPRESENTATIVE ACKNOWLEDGMENT
	KLAHOMA, COUNTY OF CLEVELAND, SS:
Sharon A. M	ore me, the undersigned, a Notary Public in and for said County and State, on this
	Motory Public State of Ohlahoma HEIDI CALVERT MAYES COUNTY COMMISSION #00009314 John Expires: 8/12/2012 HEIDI CALVERT MAYES COUNTY COMMISSION #00009314 John Expires: 8/12/2012
Аррг	roved as to form and legality this 14 day of September . 2010 City Attorney
Аррі 19	roved and accepted by the Council of the City of Norman, this day of

	Mayor	
ATTEST:		
City Clerk	w	

Certification of Authorization 819 Expires: June 30, 2011

Tract A Easement Description T9N, R2WIM, Section 15, Project No. 4946.2

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on September 3, 2010, said tract being further described as:

Commencing at the Southeast Corner of said SE/4;

Thence North 89°54'49" West as the basis of bearing along the South line of said SE/4 a distance of 1062.40 feet;

Thence North 00°05'11" East a distance of 33.00 feet to the present Right-of-Way also said point being the Point of Beginning:

Thence continuing North 00°05'11" East a distance of 17.00 feet; Thence South 89°54'49" East and parallel to the South line of said SE/4 a distance of 987.16 feet;

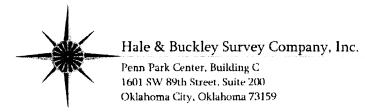
Thence North 44°56'50" East a distance of 35.27 feet; Thence North 00°11'32" West and parallel to the East line of said SE/4 a distance of 255.29 feet; Thence South 89°57'41" East a distance of 17.00 feet to the present Right-of-Way; Thence South 00°11'32" and parallel with the East line of said SE/4 a distance of 297.30 feet:

Thence North 89°54'49" West and parallel to the South line of said SE/4 a distance of 1029.24 feet to the Point of Beginning.

Curtis Lee Hale, LS 1084

Tel: (405) 686-0174 Fax: (405) 681-4881 9-3-10

Date



Certification of Authorization 819 Expires: June 30, 2011

Tract B Easement Description T9N, R2WIM, Section 15, Project No. 4946.2

A tract of land in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 15, Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described by Curtis L. Hale, PLS 1084, on September 3, 2010, said tract being further described as:

Commencing at the Southeast Corner of said SE/4;

Thence North 00°11'32" West as the basis of bearing along the East line of said SE/4 a distance of 430.33 feet;

Thence North 89°57'41" West a distance of 33.00 feet to the present Right-of-Way also said point being the Point of Beginning:

Thence continuing North 89°57'41" West a distance of 17.00 feet; Thence North 00°11'32" West and parallel to the East line of said SE/4 a distance of 890.87 feet to the North line of the S/2 of said SE/4;

Thence North 89°53'44" East along the North line of the S/2 of said SE/4 a distance of 17.00 feet to the present Right-of-Way;

Thence South 00°11'32" East and parallel to the East line of said SE/4 a distance of 890.91 to the Point of Beginning.

Curtis Lee Hale, LS 1084

STEP OF STEP O

Tel: (405) 686-0174 Fax: (405) 681-4881

CERTIFICATE OF SURVEY

ITEM NO. 5

STAFF REPORT

ITEM: Consideration of NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1011-3 FOR HANSMEYER ACRES.

LOCATION: Located at the northwest corner of the intersection of East Rock Creek Road and 36th Avenue NE.

INFORMATION:

- 1. Owners. McGuire Family Trust
- 2. <u>Developer</u>. McGuire Family Trust
- 3. Surveyor. Hale & Buckley Survey Co., Inc.

HISTORY:

1. The property for the proposed development is A-2 zoning classification.

IMPROVEMENT PROGRAM:

- 1. <u>Fire Protection</u>. Fire protection will be provided by the Norman Fire Department with use of a pumper/tanker truck.
- 2. <u>Sewage</u>. Individual septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
- 3. <u>Water</u>. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
- 4. <u>Easements</u>. Roadway/drainage/utilities will be granted as part of Certificate of Survey documents and will be filed of record with the County Clerk.
- 5. <u>Acreage</u>. Tract 1 consists of 20 acres, Tract 2 consists of 10 acres, Tract 3 consists of 10.62 acres, Tract 4 consists of 10.62 acres and Tract 5 consists of 10.62 acres.

- **SUPPLEMENTAL MATERIAL**: Copies of a location map and Certificate of Survey No. COS-1011-3 for Hansmeyer Acres are included in the Agenda Book.
- STAFF COMMENTS AND RECOMMENDATION: The property consists of 60 acres. There is a potential buyer for Tracts 1 and 2. As a result, the buyer desires the capabilities of tying into a City water main located adjacent to 36th Avenue NE. A private waterline easement is shown on Tract 5 by the owners to provide a possible private service line to Tract 2. Staff recommends approval of Norman Rural Certificate of Survey No. COS-1011-3, Hansmeyer Acres.
- **ACTION NEEDED**: Recommend approval or disapproval of Certificate of Survey No. COS-1011-3 for Hansmeyer Acres to City Council.

ACTION TAKEN:	
ACTION TAKEN.	

Applicant

McGuire Family Trust

Location

NW Corner 36th Avenue NE and Rock Creek Road

Case Number

PD 10-14

Time

6:30—7:00 PM

Attendee	Stakeholder	Address	Phone
Kurt McGuire	Family member representing applicants	2100 36 th Avenue NE	321-6052
John Cherry	Intended buyer	2213 Oak Drive OKC, OK 73170	, 229-5041
Charles Allen	Applicant's surveyor	1601 SW 89 th OKC 73159	686-0174
Richard Monnard	neighbor	3101 E Rock Creek Rd	785-448-4203
Robert and Heather Grimm James D. Kromer	Neighbors	2824 Edgewater Ct.	364-4528
Mike Argo	Neighboring owner	4211 24 th Ave NE	321-0395
Susan Atkinson	City facilitator		366-5392
Ken Danner	City Advisor		366-5458
Leah Messner	City Attorney's office		366-7748

Application Summary.

Applicants are seeking a Certificate of Rural Survey for this 61.77-acre parcel that is zoned A-2. The current *Norman 2025 Land Use Plan* designation is Very Low Density Residential.

Applicant's Opportunity.

The applicants propose to divide this 60+ acre parcel into five tracts as follows: 10 acre for a single-family home, 2 x 10.62-acre tracts for single-family home sites, and a 20-acre parcel for a agricultural uses/pastureland. They intend to sell the 10-acre tract and 20-acre tract for a single-family rural house site. The remaining acreage will be held for future family use. Building setback 150 front setback measured from center line of road with 25' side setback. No zoning change is required to build a house on these proposed parcels.

Neighbors' Concerns.

A neighbor next door with a large pond was concerned about trespassers on his property and his liability if anyone were to fall into the pond. Neighbors were also curious whether the subdivision would include an restrictive covenants controlling the appearance of houses built on this land.

Surveyor's Answer. Subdivision includes a provision that excludes mobile homes.

Infrastructure Issues.

All five tracts will have individual sanitary sewer systems (aerobic septic). Tract 1 does not have access to City water but Tract 2 is served by a private water line installed in the area. Tracts 3-5 have access to an 8" City water line along 36th Avenue. No public improvements are proposed for the entire 60-acres.

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES

AUGUST 26, 2010

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 26th day of August, 2010. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:30 p.m.

Item No. 1, being: ROLL CALL

MEMBERS PRESENT

Diana Hartley
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Cynthia Gordon

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning & Community Development

Doug Koscinski, Manager, Current Planning

Division

Ken Danner, Development Coordinator Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Rick Hoffstater, GIS Analyst

* * *

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES August 26, 2010, Page 2

Item No. 2, being:

CONSENT DOCKET

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE JULY 8, 2010 REGULAR SESSION MINUTES AND JULY 22, 2010 STUDY SESSION MINUTES

Item No. 4, being:

COS-1011-2 -- CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY RICK MAYNARD (CENTERLINE SERVICES, L.L.C.) FOR MAYNARD ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 72ND AVENUE S.E. AND CEDAR LANE ROAD.

Item No. 5, being:

COS-1011-3 -- CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY THE McGuire Family Trust (Hale & Buckley Survey Company, Inc.) for <u>HANSMEYER</u> ACRES, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 36TH AVENUE N.E. AND ROCK CREEK ROAD.

Item No. 6, being:

SFP-1011-2 -- CONSIDERATION OF A SHORT FORM PLAT, A SUBDIVISION OF LOT 2, BLOCK 2 OF A REPLAT OF LOT 1, BLOCK 2, UNIVERSITY NORTH PARK SECTION I, A PLANNED UNIT DEVELOPMENT, SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING Engineers, P.C.), generally located west of 24th Avenue N.W. approximately ½ MILE NORTH OF ROBINSON STREET.

Item No. 7, being:

PP-1011-4 -- CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY ADBAR, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR ADBAR ADDITION NO. 4, GENERALLY LOCATED EAST OF UNIVERSITY BOULEVARD AND IMMEDIATELY NORTH OF 1043 N. **UNIVERSITY BOULEVARD.**

Item No. 8, being:

FP-1011-2 -- CONSIDERATION OF A FINAL PLAT SUBMITTED BY CLIFF MURDOCK (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, A REPLAT OF A PORTION OF LOT 1 AND LOT 1A, BLOCK 3, NORMANDY ACRES FIRST ADDITION, GENERALLY LOCATED SOUTH AND WEST OF THE CORNER OF WEST MAIN STREET AND 24TH AVENUE S.W.

Chairman Trachtenberg asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES August 26, 2010, Page 3

Jim Gasaway moved to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty,

Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev

Trachtenberg

NAYES None

MEMBERS ABSENT Cynthia Gordon

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES August 26, 2010, Page 9 $\,$

Item No. 8, being:

FP-1011-2 -- CONSIDERATION OF A FINAL PLAT SUBMITTED BY CLIFF MURDOCK (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, A REPLAT OF A PORTION OF LOT 1 AND LOT 1A, BLOCK 3, NORMANDY ACRES FIRST ADDITION, GENERALLY LOCATED SOUTH AND WEST OF THE CORNER OF WEST MAIN STREET AND 24TH AVENUE S.W.

ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Final Plat
- 3. Staff Report
- 4. Site Plan
- 5. Preliminary Plat

This item was approved on the Consent Docket by a vote of 8-0.

* * *



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 21

Text File Number: OK-DR-1917-2

Introduced: 9/9/2010 by James Fullingim, Fire Chief Current Status: Consent Item

Version: 1 Matter Type: Request for Payment

title

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$8,462.95 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010.

ACTION NEEDED: Motion to accept or reject reimbursement of funds in the amount of \$8,462.95 from FEMA for tornado related damage during May 2010; and, if accepted, increase FEMA Reimbursements (010-0000-334.13-28) by \$8,462.95.

ACTION TAKEN:	
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body

BACKGROUND: During the severe outbreak event May 10-13, 2010, Norman experienced tornados and strong winds that caused a debris buildup, which caused roads to become impassable. During this time, there was an immediate threat to lives, property and public health and safety and FEMA Declaration OK-DR-1917 was approved.

<u>Discussion:</u> During the stated period, the City of Norman responded to tornado related situations that caused a debris buildup which caused roads to become impassable. Due to the nature of the response, the claim for FEMA reimbursement was divided into several project worksheets. Under FEMA Declaration Number FEMA-OK-DR-1917, the City of Norman was determined as an eligible applicant for reimbursement under Category A, Debris. The Parks Department began clearing debris from city roads and public rights of way. After completing Project Worksheet #014 for the Parks Department, determination was made that \$1,271.00 was the amount eligible for the application. FEMA processed the application based on a cost share basis of 75%-25%. The seventy-five percent reimbursable amount was \$953.25.

During the event, winds damaged or destroyed numerous traffic control devices throughout the City of Norman causing them to become inoperable or ineffective. Additionally, the roof of the Traffic Division building sustained damage causing rain water to leak into the building and onto contents. The Public Works Department, Traffic Division, began implementing emergency protective measures by placing road barricades, temporary traffic control signs, maintaining generators to power traffic lights, covering roofs damaged by wind and relocating building furnishings and equipment due to roof leaks. Under FEMA Declaration Number FEMA-OK-DR1917, the City of Norman was determined as an eligible applicant for reimbursement under Category B, Protective Measures. After completing Project Worksheet #025 for the Public Works Department, Traffic Division,

determination was made that \$10,012.93 was the amount eligible for the application. FEMA processed the application based on a cost share basis of 75%-25%. The seventy-five percent reimbursable amount was \$7,509.70.

RECOMMENDATION: It is recommended that City Council approve the acceptance of this reimbursement in the amount of \$8,462.95, and receipt funds into 010-0000-334.13-28 FEMA Reimbursements.



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 22

Text File Number: LL-1011-5

Introduced: 9/2/2010 by Wayne Stenis, Planner II

Version: 1

Current Status: Consent Item

Matter Type: Limited License

Title

<u>LIMITED LICENSE NO. LL-1011-5</u> LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY, PURSUANT TO A REQUEST FROM CLEVELAND COUNTY YMCA FOR THE YMCA FREE FALL CARNIVAL EVENT TO BE HELD ON OCTOBER 22, 2010.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-5 to place four (4) banners within the public rights-of-way pursuant to a request from the Cleveland County YMCA; and, if approved, authorize the issuance thereof.

ACTION TAKEN:	
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Body

BACKGROUND: Section 18-308 states:

Festival or Public Event Banners.

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

<u>DISCUSSION:</u> The Cleveland County YMCA, a 501 (c) (3) organization, has requested placement of four (4) ground banners, measuring 3' x 10', at Main & 24th Avenue NW, Lindsey & 36th Avenue NW, Berry Road & Robinson Street and Alameda & 12th Avenue, to advertise their free fall carnival. The signs will be used from October 1 to October 28, 2010.

STAFF RECOMMENDATION: The locations are acceptable and will not impact any designated sight triangles if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Additional conditions may be attached by Council. Other than the stipulated time frame and placement, staff has not suggested any other conditions, and does not oppose granting this limited license.

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN

Date 08/21/2010

Name of Applicant Cleveland County Family YMCA

Address 1350 Lexington. Norman, OK 73069

Phone 364-9622 x133

Number of banners 4

Location of Banners/Signs

1. Main St./ 24th NW

- 2. Lindsey &36th NW Ave.
- 3. Berry & Robinson 4. Alameda & 12th Ave. SE

NOTE: We have our maps from planning dept. from previous years.

Banner/Sign size 3x10

Working of Banner/Sign

YMCA Free Fall Carnival

Friday, Oct 22nd

Free Inflatables & Fun activities

Duration of Use Oct 1st - Oct 28th

LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY FAMILY YMCA FOR THE YMCA FREE FALL CARNIVAL EVENT TO BE HELD ON FRIDAY, OCTOBER 22, 2010.

An Application has been filed by the Cleveland County Family YMCA for a Limited License to place four (4) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to a 28 day period from October 1 through 28, 2010.

Any special conditions which may be outlined in the Staff memorandum or imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved this 28th day of September, 2010.		
	CITY OF NORMAN	٠,
ATTEST:	Mayor	
		• •
City Clerk		



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 23

Text File Number: LL-1011-6

Introduced: 9/14/2010 by Wayne Stenis, Planner II

Version: 1

Current Status: Consent Item

Matter Type: Limited License

Title

LIMITED LICENSE NO. LL-1011-6: LIMITED LICENSE TO PLACE ONE (1) GROUND BANNER AND FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM FRIENDS OF THE NORMAN PUBLIC LIBRARY FOR THE ANNUAL BOOK SALE TO BE HELD OCTOBER 22 THROUGH 25, 2010.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-6; and, if approved, direct the filing thereof.

ACTION TAKEN:	
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Body

BACKGROUND: Section 18-308 states:

Festival or Public Event Banners.

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

<u>DISCUSSION</u>: The Friends of the Norman Public Library, a 501 (c) (3) organization, holds an annual book sale to benefit the Norman Public Library. This year's event occurs on October 22 through 25, 2010. They have requested approval to place one (3'x 10') banner and four (18"x24") signs around the library stating the dates of the event. The signs will be in use from October 1 through 25, 2010.

A copy of the letter of request, with the specified locations and descriptions, is attached for reference. The locations are identical to those previously used and are acceptable.

STAFF RECOMMENDATION: The locations are acceptable and will not impact any designated sight triangles if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Additional conditions may be attached by Council. Other than the stipulated time frame and placement, staff has not suggested any, and does not oppose granting this limited license.

Friends of the Norman Library P.O. Box 6308 Norman, OK 73070

13 September 2010

Brenda Hall City Clerk City of Norman Norman, Oklahoma

Dear Ms. Hall:

The Friends of the Norman Library, a 501(c)(3) organization whose sole purpose is the support of the Norman Public Library, will conduct its annual book sale October 22 to 25, 2010 at the library. The purpose of this event is to offer used books for purchase by the public. All proceeds are used for the benefit of the Norman Public Library. We request a Limited License to place one large banner type sign and four yard sign type signs at various locations around the library from October 1 to October 25, 2010. The placement of the signs is delineated on the attached map obtained from the City Planning Department. Sizes of the signs are also specified on the map.

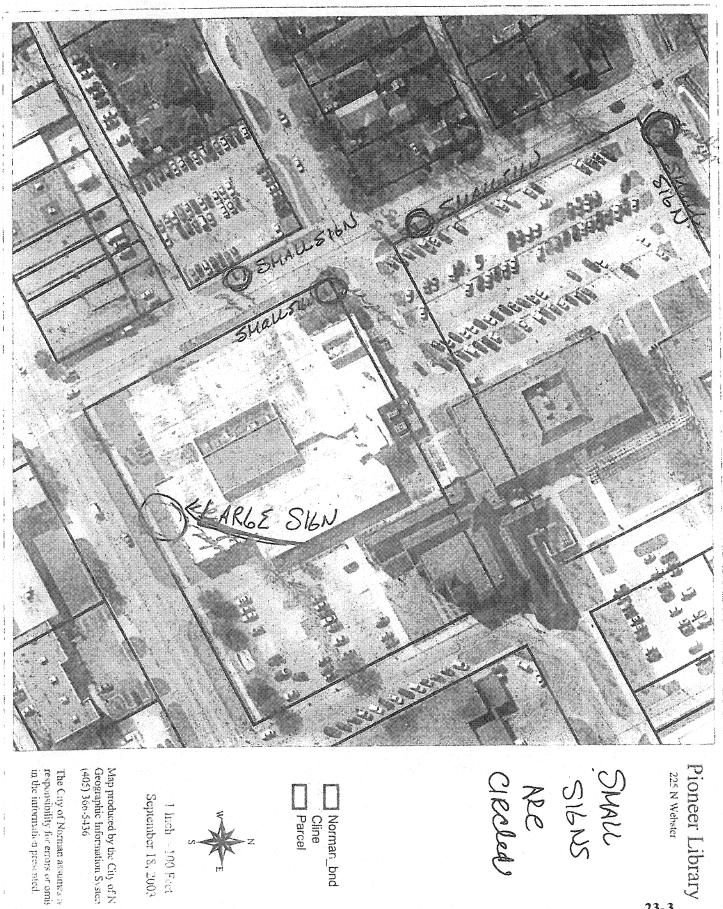
Thank you for your assistance in this matter. If there are any questions you may contact me at 360-4346. Any correspondence should be sent to my mailing address: P.O. Box 720335, Norman, Ok. 73070.

Sincerely yours,

Simon H. Rudnick

2010 Book Sale Co-chair

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN
Date 9/13/2010 Simon H. RUDNICK, FOR
Name of Applicant FRIENDS OF THE NORMAN LIBRARY
nn. Rox 720335
Address NORMAN, OK. 73076-4249 Telephone Number (405)360-434
Number of Banners 1 BANNER 4516-NS
Location of Banners/Signs (If list is lengthy you may attach separate sheet or map)
SEE ATTACHED MAP
Banner/Sign Size BANNER 3'X/0'
SIGNS 18" X 24" BANNER- YELLOW VINYL WIBLACK LETTERING
BANNER- YELLOW VINYL WIBLACK LETTERING
Type of Banner Sign SiGNS- YELLOW COROPLAST WIBLACK LETTERING
Wording of Banner/Sign BOOK SALE OCT 22 -25
Duration of Use 0CT /- 0ST 25, 20/0



Norman_bnd Cline Parcel

Pioneer Library 225 N Webster

SHALL SIGNS NEC CIRCLES

1 Inch 100 Feet

Map produced by the City of N Geographic Information System (405) 366-5436 September 18, 2003

23-3

LIMITED LICENSE NO. 1011-6

LIMITED LICENSE TO PLACE ONE (1) GROUND BANNER AND FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FRIENDS OF THE NORMAN LIBRARY FOR THE ANNUAL BOOK SALE TO BE HELD OCTOBER 22 THROUGH 25, 2010.

An Application has been filed by the Friends of the Norman Public Library for a Limited License to place one (1) ground banner and four (4) signs within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to a 25 day period from October 1 through October 25, 2010.

Any special conditions which may be outlined in the Staff memorandum or imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved in Open Meeting this 28th day of September, 2010.

	CITY OF NORMA	AN
	Mayor	
ATTEST:		
		1
City Clerk		•



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 24

Text File Number: K-0910-80 Amend

Introduced: 9/15/2010 by Jack Burdett, Engineering Asst

Version: 1

Current Status: Consent Item

Matter Type: Contract

Title

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-80, BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION EXTENDING THE CONTRACT UNTIL SEPTEMBER 30, 2011 FOR A JOB ACCESS AND REVERSE COMMUNITY (JARC)/NEW FREEDOM PROGRAM GRANT TO PROVIDE HANDICAP ACCESSIBLE IMPROVEMENTS TO CLEVELAND AREA RAPID TRANSIT (CART) BUS STOP LOCATIONS.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-80 with the Oklahoma Department of Transportation extending the contract until September 30, 2011.

ACTION TAKEN:	
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Body

BACKGROUND: On October 13, 2009, City Council approved Contract No. K-0910-80 for capital assistance provided by the Oklahoma Department of Transportation (ODOT) to improve public transit services to the general public in the form of accessible sidewalks, ramps, and bus stop pads in the public right-of-way. This contract is referred to as the "New Freedom Grant Program". City staff is working closely with Cleveland Area Rapid Transit (CART) to design and construct these improvements in compliance with the Americans with Disabilities Act (ADA). The City of Norman will receive from ODOT 80% of the funding for the construction in the amount of \$103,920.00. This contract was executed by ODOT on November 13, 2009, and is set to expire on November 13, 2010.

For the purposes of the contract, the City of Norman hired Central Contracting Services, Inc. to construct the improvements in the Bus Stop Accessibility Project. Construction began on the sixteen (16) site locations in August 2010.

<u>DESCRIPTION</u>: For the purpose of insuring completion within the eligible time frame, ODOT has submitted a supplemental contract to extend the contract period from November 13, 2010 to September 30, 2011. ODOT requires that the supplemental contract be accepted with the other terms and conditions set forth in the agreement remaining the same. The supplemental contract is enclosed.

Of the sixteen (16) locations, two (2) are currently complete or 45% of the total funding.

It is anticipated that Central Contracting Services will complete the project by December 17, 2010, weather permitting. However, this supplemental agreement will allow additional time for the official closeout of the grant.

RECOMMENDATION: It is recommended that City Council approve Amendment No. 1 to Contract No. K-0910-80 extending the existing contract until September 30, 2011.

Supplemental Contract Number One Between Oklahoma Department of Transportation and the City of Norman

FOR CAPITAL ASSISTANCE TO TRANSPORTATION PROGRAMS PROVIDING PUBLIC TRANSIT SERVICES TO THE GENERAL PUBLIC IN RURAL AREAS

This Contract supplements the original Contract of the same title, entered into November 13, 2009, between the Oklahoma Department of Transportation (hereinafter referred to as "DEPARTMENT") and the City of Norman (hereinafter referred to as the "CONTRACTOR") for the purpose of providing assistance pursuant to the Federal Transit Administration Section 5317 New Freedom Program. This Supplemental Contract is subject to the following terms and conditions;

WITNESSETH:

WHEREAS, the CONTRACTOR is presently receiving financial assistance from the DEPARTMENT thorough a Contract executed by the DEPARTMENT on November 13, 2009 (hereinafter referred to as CONTRACT); and

WHEREAS, a previously awarded Federal Transit Administration Grant, OK-57-X009-00, remains in effect; and

WHEREAS, the DEPARTMENT wishes to extend the time period for the CONTRACTOR to receive reimbursement via Federal Transit Administration Section 5317 New Freedom Funds made available to the CONTRACTOR by the CONTRACT dated November 13, 2009.

NOW THEREFORE, it is mutually agreed between the DEPARTMENT and the CONTRACTOR that:

- Paragraph 1, Section 3 of the CONTRACT is amended to read as follows:
 Section 3. <u>Period of Performance Renewal</u> This CONTRACT shall continue through September 30, 2011.
- 2. The DEPARTMENT and the CONTRACTOR mutually agree that the contract amount will remain as stated in the original contract and that all other terms and conditions of the original contract will apply.
- The DEPARTMENT and the CONTRACTOR mutually agree that this Supplemental Contract shall be attached to and become an integral part of the original contract dated November 13, 2009.

This Supplemental Contract shall be binding upon the undersigned jointly and upon their successors and assigns.

EXECUTION OF CONTRACT

IN WITNESS HEREOF, the	he CONTRACTOR has execute	ed this Supplemental Contract on the executed this Supplemental Contract
on the day of	2010.	executed this Supplemental Contract
FOR THE CONTRACTOR		•
	City of Norman	
Cindy Rosenthal		<u>73-6005350</u> Federal Tax I. D. number
State of Oklahoma County of Cleveland		,
Subscribed and sworn to before m	e this day of	, 201
Notary Public	Com	mission Expiration Date
AFFIX SEAL		•
FOR THE DEPARTMENT		
STATE OF OKLAH	OMA DEPARTMENT OF TR	ANSPORTATION
Reviewed and Recommended For Approval		·
Kenneth LaRue, Manager Transit Programs Division		d Streb stor of Engineering
APPROVED AS TO FORM		•
David Miley		Evans
Assistant General Counsel	Chie	f Engineer



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 25

Text File Number: K-1011-53

Introduced: 9/16/2010 by Leah Messner, Assistant City Attorney

Version: 1

Current Status: Consent Item

Matter Type: Contract

Title

CONTRACT NO. K-1011-53: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LITTLE RIVER ZOO IN THE AMOUNT OF \$7,200 TO BE USED FOR PUBLIC INFORMATION PROGRAMS.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-53 with Little River Zoo in the amount of \$7,200; and, if approved, authorize the execution thereof.

ACTION TAKEN:	
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Body

BACKGROUND: During the budgeting process for FYE 2011, a number of requests were specifically reviewed, discussed, and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is the Little River Zoo. Their funding agreement is now returned to Council for its approval. Because of the economic climate of the City of Norman, the agreement with the Little River Zoo includes a 10% reduction in funding as requested by Council.

DISCUSSION: The agreement which comes before Council at this time is the same basic form agreement for all agencies. The agreement provides that the Little River Zoo will use the City funds for public education programs at the Zoo in exchange for a grant of \$7,200 of City funds. The agreement includes a reporting procedure by the agency to the Council of expenditures of the funds in an amount not to exceed \$7,200. The agreement also provides for cancellation by either party and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period.

RECOMMENDATION: Based upon the above and foregoing background and discussion, it is staff's recommendation that the funding agreement submitted herewith be approved. Funds should be disbursed from the following account to accomplish this: \$7,200 from Account No. 010-1001-411.47-41 (City Council-Contributions and Organizations).

FUND DISBURSEMENT AGREEMENT

This agreement is made and entered into on the day of the City of Norman, Oklahoma, a municipal corporation, party of the freferred to as "City" and	by and between by by and between irst part and hereinafter
Little River Zoo	
(Name of Organization)	

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

- A. That in consideration for the performance by the organization of the covenants and agreements as specified herein, the City, covenants and agrees:
 - 1. To disperse to the Organization the sum of \$7,200 to be used for the public education programs benefiting the citizens of the City. Said funds shall be used for this purpose and for no other purpose.
- B. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:
 - 1. That the Organization is a 501(1)(c)(3) organization operating in accordance with the Internal Revenue Service regulations.
 - 2. To expend funds granted by the City for the purpose as listed above.
 - 3. To allow a representative of the City to hold an ex-officio position on the Organization's Board of Directors if requested by the City.
 - 4. To provide a written report on the activities of the Organization to the City no later than April 1, 2011, said report to be sent to the attention of the Norman City Clerk. Said report shall include data regarding the tonnage of garbage and recycled materials received by the Organization during the reporting period that would have otherwise been processed by the City Sanitation Department. Said report shall also include documentation that the funds provided herein were spent solely for public education programs benefiting the citizens of the City.
- C. It is further understood and agreed by both parties:
 - 1. In the event the Organization is dissolved all such funds not yet expended for the purposes provided herein shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

Fund Disbursement Agreement Little River Zoo Page 2

- Organization agrees to keep accurate records of all receipts and collections of its income in a manner approved by the City. Organization shall make such records available for inspection by the City at any time upon demand and shall submit such records to whomever the City may designate hereafter for the purpose of auditing such records.
- 3. In the event the Organization should mishandle the expenditure of funds as provided herein, such action will be considered a breech of this agreement, and any unexpended funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.
- 4. This agreement shall automatically renew annually upon City Council approval of the annual budget subject to and contingent upon the appropriation of funds to fund this agreement.
- 5. This agreement may be canceled by either party upon the giving of thirty (30) days written notice of cancellation to the other. Upon cancellation any unexpended funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City, and the Organization shall immediately deliver such unexpended funds to the City.
- D. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.
- B. There are no other terms, either express or implied, than those expressly stated herein.
- F. In witness hereof, the parties hereto have executed this agreement on the day first above written.

	LITTLE RIVER ZOO	
	Janet Sadler Schmid, Director	
ATTEST:	•	
SECRETARY		

Fund Disbursement Agreement Little River Zoo Page 3

Approved as to form and legality 4010.	oby the office of the City Attorney this 315th day of Confice of the City Attorney
Approved by the Norman City Cour	acil this day of August, 2010.
ATTEST:	MAYOR
CITY CLERK	

TOF NO RIVERSION OF NO RIVERSI

CITY of Norman, OK

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 26

Text File Number: K-1011-61

Introduced: 8/3/2010 by Major Jim Maisano

Version: 2

Current Status: Consent Item

Matter Type: Contract

Title

CONTRACT NO. K-1011-61: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND MICROCEPTION, INC., IN THE AMOUNT OF \$26,983.50 FOR THE PURCHASE, DELIVERY, INSTALLATION, CONFIGURATION AND ON-SITE TRAINING OF THE VIDEOVERSIGHT SYSTEM.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-61 with Microception, Inc., in the amount of \$26,983.50; and, if approved, authorize the execution thereof.

Body

BACKGROUND: The Norman Police Department has three interview rooms where interviews and interrogations are conducted in the course of criminal investigations. Such interviews and interrogations must be recorded for evidentiary purposes. Recordings are currently made using cameras in the interview rooms and three combination VHS/DVD-R recorders in an adjacent control room. These recorders have been in use for many years, and are beginning to malfunction, which makes it necessary to record both on tape and on DVD in order to have a backup. Additionally, the recording time limits associated with VHS tapes and blank DVDs require that the recording media be changed in the middle of lengthy interviews, raising the possibility that something important may be missed in the transition.

Considerable research has been conducted into alternative technologies in order to identify a means of producing and archiving these videos which does not involve removable media and which will permit viewing and managing video from any enabled network computer. It was determined that an ideal solution is the VideOversight" system available from Microception, Inc.

<u>DISCUSSION:</u> The Norman Police Department Criminal Investigation Bureau evaluated interview room recording products from several vendors. In our research, it was learned that different systems contained a wide range of various features. We looked for features which would maximize the efficiency, effectiveness, and security of our interview recordings. It was concluded during the product evaluations that the combination of proprietary software and professional quality hardware would be the best combination for consideration when selecting a vendor. The VideOversight System is uniquely capable of

providing the basic features we require and additional features which will enhance our video recording program. One of the most notable features is that their system does not require a per user license fee. This means we can allow the system to be used by all detectives for one service fee for the department. Several other additional features are provided by the vendor. The vendor considers themselves a sole source provider based on the number and combination of features which they provide. They have provided a sole source letter which is attached with this packet.

Additional research has been conducted to identify systems from other vendors and compare their features to the VideOversight system. There were three other vendors whose products appeared to be among the most feature rich and they were compared them to VideOversight. (The alternative systems were iRecord, Liberty Interview Recorder, and Interview Recorder, Inc.)

Identified below are the highly desirable features that are unique to the VideOversight system:

The key components of the system are ordinary video and computer components that can be serviced, maintained, or replaced by our Information Services Division (I.S.) or by local companies, unlike competitors that utilize proprietary hardware;

Case in point - the rack mount server intended for use with the system was selected by I.S. due to their experience with it and the availability of local support.

As a server-based system, it can be accessed simultaneously from multiple authorized network computers simultaneously within the police department building and at remote networked locations for viewing and managing archived recordings and live viewing of interviews in progress, thus greatly enhancing efficiency;

Being a server based system, there is no software to be installed on individual users' computers, so additional users may be added without I.S. having to have hands-on with their machines;

CD and DVD copies may be burned direct from the application;

The VideOversight system is utilized at the Mary Abbott House for recording forensic interviews. The Mary Abbott House is the location for the Norman Police Department's Child Victim Unit. They have utilized this system for approximately one year and speak highly of the product and its service. By utilizing this product, it would allow interoperability between the police department and the Mary Abbott House which will aid in the investigation and prosecution of numerous cases;

Multi-layer access control provides for individual user names and passwords as well as group-specific permissions.

While all of the systems reviewed provided the same basic recording functionality, only the VideOversight system has the unique combination of features that are essential to make it the very best and most efficient system for our purposes. Since Microception, Inc., is the sole manufacturer of VideOversight, it is not possible to solicit bids for purchase of the system.

STAFF RECOMMENDATION: We recommend contracting with Microception, Inc., for the purchase, delivery, installation, configuration, and testing of the VideOversight system, with on site training at a total cost of \$26,983.50. Funds for this purchase are available in account 022-6020-421.51-10 from the Recovery Act Justice Assistance Grant (JAG) 2009-SB-B9-0453.



Microception, Inc. 4555 Mansell Road, Suite 300 Alpharetta, GA 30022 USA 770-521-4366 • 770-521-4367 Fax www.microception.com

Proposal Number:	062110-1
Proposal Date:	06/25/10
Order Date:	
Target Install Date:	TBC

Company: City o	stomer Billing Informati f Norman				ustomer ins		<i>Bushpulan</i>	
Address: 201-B				Same as billing ac	dress			
City: Norm	an	State:	OK					
Zip Code: 73069	-7121			The second of the				
Contact: Capta	in Leonard Judy, (405) 36	6-5295						

				Price	
ltem	Description	Qty	Unit	Ext	anded
1	VideOversight™ Enterprise Edition (EE) Host Software for Interview recording, Case Management, Archiving, and Access Control.	1	\$ 5,999.00	\$	5,999.00
2	VideOversight™ EE Room Software and License (1 license required per interview room)	3	\$ 2,499.00	\$	7,497.00
3	Network Digital Video Recorder with Dual Channel Synchronous Video and Audio and 400 GB Storage	3	\$ 1,998.00	\$	5,994.00
4	Covert, In-Wall, Junction Box Mounted Color Day/Night Camera with min. 520LOR, fixed lens (size TBD), 1/3" CCD, .3 LUX F1.2, 12VDC	3	\$ 349.00	\$	1,047.00
5	Single Wall Mount Microphone Kit: Omni Directional, Low Noise Pre-Amplifier mic with Stainless Steel wall Plate, Interface Adapter and p-supply.	3	\$ 149.00	\$	447.00
	Cables, Connectors, and Misc. Installation Materials: RG59/18-2 video/power Cable (150ft); 22-2 shielded audio cable (150ft); BNC Connectors (Qty 6); 3ft 9 outlet power strip (Qty 2); Low Voltage Junction Box for mic (Qty 3); misc. installation materials.	1	\$ 151.00	\$	151.00
	1 Year VideOversight™ Software Maintenance Agreement, includes: Phone and online support; on-site support if deemed necessary by Microception; Access to VideOversight upgrades, enhancements, and point releases as they are made available to the field at no additional fee. Automatic annual renewal. Price subject to change on renewal.	1	\$ 2,000.00	\$	2,000.00
	Labor and expenses to purchase, deliver, install, configure, test and provide training at customer site for items 1 through 7.	1	\$ 3,848.50	\$	3,848.50
			TOTAL	S	26.983.50

See page 2 for additional terms and signatures



Microception, Inc. 4555 Mansell Road, Suite 300 Alpharetta, GA 30022 USA 770-521-4366 • 770-521-4367 Fax www.microception.com

062110-1a
06/25/10
TBD

Additional Terms:

- 1) 30% non-refundable down payment due on proposal signing and before equipment will be ordered, remainder due within 10 days of invoice at completion of installation.
- 2) Miscellaneous supplies deemed necessary to complete installation by mutual agreement of Customer and Microception will be billed separately.
- 3) Additional services requested while on site will be billed at \$100 per hour.
- 4) Prices in this proposal are valid for 90 days from date of issue.

Note: By signing below, the Authorized Representatives of Customer and Microception acknowledge: (i) that they have reviewed the Microception Proposal and Microception's Standard Terms and Conditions; and (ii) that they understand the requirements of said documents and do hereby agree to be bound by the terms and conditions embodied therein.

City of Norman	Microception, Inc.
Company:	Company:
	10
	(as Tarandint
Signature:	 Signature:
Cindy Rosenthal	Karl Parandjuk
Print Name:	Print Name:
Mayor	President
Title:	Title:
	8/25/19
Date:	 Date:

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY DATE DATE



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 27

Text File Number: K-1011-73

Introduced: 9/7/2010 by Linda Price, Revitalization Manager

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-73: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COLONIAL NATIONAL MORTGAGE TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2005 OAKHURST AVENUE.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-73 with Colonial National Mortgage; and, if approved, authorize the execution of the contract.

ACTION TAKEN:	:
ACTION TAKEN:	:

Body

BACKGROUND: In April 2007 the City of Norman HOME Partnership Program provided a loan to Sharmain Kay Wright for the rehabilitation of her home at 2005 Oakhurst Avenue. As a condition of funding, a lien was placed on the property and was filed as a subordinate mortgage to the primary mortgage on the property. Any modification of the primary mortgage requires resubordination of the lien. The program does not require repayment of the loan as long as the applicant maintains their home as their primary residence for four years; and at the end of four years the subordinate mortgage is released.

<u>DISCUSSION</u>: Approval of the request for subordination of the lien on 2005 Oakhurst Avenue would allow the owner to secure a loan to refinance the primary mortgage that will provide a significantly lower interest rate to reduce the house payment by \$107.02 per month. Documentation from Colonial National Mortgage including a Certification of Mortgage Loan Refinancing, Good Faith Estimate, and a Truth in Lending Disclosure Statement are attached. The Subordination Agreement that will be filed with the new primary loan is also attached. In accord with the adopted City of Norman Housing Handbook, these documents prove that all funds will be used for the refinancing of the home, with no funds going toward payment of debt.

Subordination of the lien would assist in making more money available for the upkeep of the property. The City would maintain a second position on the property. Additionally, the request meets the requirements of our policy to subordinate only for the purposes of lowering payments or improving the home, and the terms and conditions of program participation as described in the subordinate mortgage executed in April 2007 will not be modified.

RECOMMENDATION: Approval of Contract No. K-1011-73 for subordination of the lien on 2005 Oakhurst Avenue is recommended. Subordination of liens in the HOME Partnership Program is allowed by the Department of Housing & Urban Development and is consistent with program goals.

SUBORDINATION AGREEMENT

Know All Men By These Presents:

That, for and in consideration of the sum of one dollar (\$1.00) and other good and
valuable considerations, in hand paid, receipt of which are hereby acknowledged, THE CITY OF
NORMAN, an Oklahoma Municipal Corporation, the undersigned, has agreed, and by these
present, does agree with Colonial National Mortgage, that the lien of a certain mortgage from
Sharmain Kay Wright, to said Colonial National Mortgage, Dated the day of
, and recorded in Book at Pages
of the records of Cleveland County, Oklahoma, upon the
following described real property, to-wit:
2005 Oakhurst Ave., Norman, OK 73071, legally described as:
Lot Thirteen (13), in Block One (1), of PARKHURST ADDITION, a Replat of Lot 1, Block 24,
Oakhurst Addition Section 9, and Part of Lots 1 thru 8, Block 1, Oakhurst Addition Section 11,
Being a part of the Southeast Quarter (SE/4) of Section Four (4), Township Eight (8) North,
Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, according to the
recorded plat thereof;
Shall be prior and superior lien upon said property to the lien of that certain Mortgage on said
real property, from said Sharmain Kay Wright to THE CITY OF NORMAN, dated April 11,
2007, and recorded in Book 4344 at Pages 701-702 of the records of Cleveland County,
Oklahoma, and such priority shall be accorded said first above described mortgage,
notwithstanding that said mortgage was dated and recorded subsequent to the date and
recordation of the said second above described mortgage. If superior mortgage is renewed,
extended or assigned, it is still the intent that this Subordination Agreement be enforced.
SIGNED AND AGREED TO THIS 3 DAY OF SUPEMBON DOWN
By: Skenman Why
V ~
State of OKLAHOMA
County

K-1011-73 Page 2

SIGNED AND AGREED TO THIS	DAY OF,,
	THE CITY OF NORMAN, OKLAHOMA
	BY:
	Cindy S. Rosenthal, Mayor
ATTEST:	
Brenda Hall, City Clerk	-
	Approved as to form and legality this
	day of Septenbe 2010
	City Attorney
State of Oklahoma County of Cleveland	
On this day of	Rosenthal, Mayor for THE CITY OF NORMAN, locument as his voluntary act and deed of such et forth.
My commission expires:	
	Notary Public

N and



Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 28

Text File Number: K-1011-77

Introduced: 9/9/2010 by Captain Kevin Foster Current Status: Consent Item

Version: 1 Matter Type: Contract

Title

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$80,500 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO INCREASE ENFORCEMENT OF SEAT BELT AND MANDATORY CHILD RESTRAINT LAWS AND TO HOST A TRAFFIC COLLISION INVESTIGATION SCHOOL, APPROVAL OF CONTRACT NO. K-1011-77, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject a grant in the amount of \$80,500 from the Oklahoma Highway Safety Office to increase enforcement of seat belt and mandatory child restrain laws and to host a Traffic Collision Investigation School; and, if accepted, approve Contract No. K-1011-77; authorize execution of the contract; appropriate \$80,500 from Special Grant Fund Balance (022-0000-253.20-00) designating \$66,000 to Overtime-Regular (022-6019-421.21-10) and \$14,500 to Professional Services/Training and Development (022-6019-421.40-17); and upon reimbursement, increase Other Revenue/Traffic & Alcohol Enforcement (022-0000-331.13-40) by \$80,500.

ACTION TAKEN:	
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Body

BACKGROUND: The Oklahoma Highway Safety Office has informed the Norman Police Department that it has been awarded an \$80,500 grant. The money is allocated in the following categories: \$66,000 to increase enforcement of seat belt and mandatory child restraint laws; and \$14,500 to host a basic traffic collision investigation school for up to 30 law enforcement officers, including some Norman police officers. The funds will be used to reimburse overtime incurred by officers engaged in these traffic enforcement projects. The funds will also be used to cover the costs associated with hosting the basic traffic collision investigation school.

<u>DISCUSSION:</u> The Norman Police Department will conduct projects in support of the "Click It or Ticket" campaign. These projects are designed to increase compliance with the seat belt and mandatory child restraint laws, and to reduce the injuries involved in motor vehicle crashes. The Norman Police Department will also increase patrol and check points targeting high accident locations, locations of citizens complaints, and those not in compliance with seat belt and child restraint laws. The police department will supply the Oklahoma Highway Safety Office with enforcement and survey statistics on a monthly basis as stated in the attached contract between Oklahoma Highway Safety Office and the City of Norman. Funding reimbursement will continue through September 30, 2011.

RECOMMENDATION: It is recommended that funds in the amount of \$80,500 be appropriated from Special Grant Fund Balance (022-0000-253.20-00) to Overtime-Regular account 022-6019-421.21-10 (\$66,000), and Professional Service/Training & Development account 022-6019-421.40-17 (\$14,500); and upon reimbursement, receipted to Other Revenue/Traffic & Alcohol Enforcement account 022-0000-331.13-40.



OKLAHOMA HIGHWAY SAFETY OFFICE

3223 North Lincoln Oklahoma City, OK 73105-5403 (405) 523-1570 (405) 523-1586 Fax

August 27, 2010

Captain Kevin Foster Norman Police Department 201-B W. Gray St. Norman, OK 73069

Dear Captain Foster:

Enclosed is a copy of your pending 2011 grant agreement with the Oklahoma Highway Safety Office.

In order to complete the grant agreement process, signatures and notarization are required. Please sign, notarize and return **both** signature pages, along with all grant agreement pages, to this address:

Oklahoma Highway Safety Office 3223 N. Lincoln Blvd. Oklahoma City, OK 73105 Attn: Administrative Staff

Please note that the signing authority, and not the project director, must sign the signature pages. Please also make sure that the second signature space is left blank, as it is intended for the use of the OHSO only. Do not retain any of the pages from this packet, other than this letter; however, you may make photocopies if you wish.

Your grant agreement is not effective until signed copies are returned to our office and signed by the OHSO Director. You will receive a letter notifying you of the effective date of the grant agreement and an original copy of all documents. If you have any questions, please contact your Program Manager at (405) 523-1570.

Sincerely, S. E. Wath

Scott E. Watkins

Director, Oklahoma Highway Safety Office

Page **1** of 8

OKLAHOMA HIGHWAY SAFETY OFFICE GRANT AGREEMENT - PART I

TITLE OF	PROJECT			
11122 01		Norman PD Seat B	elt Enforcement	
GRANT E	FFECTIVE DATE	PROJECT NU	JMBER	HIGHWAY SAFETY FUNDS OBLIGATED
		OP-11-03-10-03	\$.	80,500.00
	GRANT PERIOD			
FROM	October 1, 2010		\$.	
TO	September 30, 2011	-		
10	PROJECT PERIOD		\$.	
FROM	October 1, 2000			
TO	September 30, 2011		\$.	80,500.00
		AFFIDA	AVIT	
reimburse supplied i am the du in order to personally grantee's any mone In review	ement under this agreement will be to n accordance with the plans, specifically authorized agent of the grantee for to procure the grant or obtain payme and directly involved in the procedurection or control has been paid, go yor other things of value, either direction	rue and correct, that the work, ations, orders, requests and all r the purpose of certifying the nt, I am fully aware of the factedings leading to the procure iven or donated or agreed to potly or indirectly, in procuring the circumstances involved with its circumstances.	services, or materials as shown other terms of the grant prior of facts pertaining to the giving of its and circumstances surrounding ment of the grant; and neithed pay, give or donate (to any office the grant or obtaining payment. its implementation, an opinion	I further state that any and all claims for by any claim will have been completed or to the filing of claims. I further state that I things of value to governmental personneling the making of the grant and have been or the grantee nor anyone subject to the error employee of the State of Oklahoma) was derived by the undersigned that any
Date		, 20 Signature		
		Title .		
Subscribe	ed and Sworn to, before me, this	day of		, 20
My Com	mission expires C	ommission Number		
iviy Comi	mission expires			Notary Public
		AFFIDA	AVIT	
I, So	f Oklahoma, County of Oklahoma. cott E. Watkins, of law te of Oklahoma and am duly authoriz ives, pertinent to highway safety in th	zed to carry out the statutory	provisions of 47 O.S. 1971, Sect	authorized representative of the Governor ion 40-107, and all other laws, regulations in, and belief.
Date		, 20 Signature		
		-	Director, Highway Safety Off	ice
Subscribe	ed and Sworn to, before me, this _	day of		, 20
My Comr	mission expires C	ommission Number		Notary Public

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OKLAHOMA HIGHWAY SAFETY OFFICE GRANT AGREEMENT - PART I

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ATTACHMENT

PROJECT DIRECTOR'S REPORT

PROJECT NO. OP-11-03-10-03 Page **3** of 8

Title of Project:					
Norman PD Seat Belt Enforcement					
Project Number: OP-11-03-10-03					
Responsible Agency:		Norman Police Department		Reimbursement Information (where check is to be mailed):	
Project Director:		Captain Kevin Foster			
Phone Number:		405-321-1600		Payee:	City of Norman
Address: 201-B West Gray Street			Address:	PO Box 370	
Norman, OK 73069				Norman, OK 73069	
Fax: 405-366-5329					
Email:	mail: Kevin.foster@normanok.gov				
OHSO Funds Obligated: \$ 80,500.00			\$_80,500.00	Other Funds Obligated: \$	
Source of Other Funds:					
Total of OHSO and Other Funds:			\$ 80,500.00		

PROJECT SUMMARY NARRATIVE SECTION

The following pages of this <u>PROJECT SUMMARY NARRATIVE SECTION</u> will contain:

The Problem Identification, Project Goal, Project Description, Equipment and Equipment Justification, and Evaluation. The project objectives must be time-framed and measurable. The narrative also needs to include personnel utilization.

PROJECT GOAL:

Seat Belt Enforcement efforts will be implemented to encourage increased compliance in Cleveland County and affect adjacent areas in Oklahoma County, to raise seat belt usage rates by 3.9%, from 81.1% in 2009, to 85% in 2011. One aspect of seat belt enforcement efforts will target young drivers between the ages of 16 and 24.

PROBLEM IDENTIFICATION:

The city of Norman is located a short distance south of Oklahoma City in Cleveland County. However, due to its close proximity, commercial and commuter traffic traveling in and through the city significantly impacts the Oklahoma City metropolitan area and Oklahoma County as well.

The 2009 Oklahoma Statewide Seat Belt Observational Survey reflected an average state seat belt use rate of 84.2%. The survey also reflected that the average use rate in Oklahoma County is only 81.1%, which is slightly more than three (3) percentage points below the average state rate.

The population in the City of Norman continues to grow, currently with more than 111,000 year-round residents, and an additional 20,000+ transient population associated with the University of Oklahoma. Of this number, almost 4,000 are high school students. As a result, many of the city's drivers are young and inexperienced.

Results of the National Occupant Protection Use Survey (NOPUS) in 2008 indicate that although seat belt use among young people between the ages of 16 and 24 has risen from 77% in 2007 to 80% in 2008, seat belt use among this age group continues to remain lower than any other age group nationwide.

PROJECT DESCRIPTION:

Working in an overtime capacity, the Norman Police Department will increase enforcement of state seat belt and mandatory child restraint laws. Officers will work special emphasis in support of regional/national traffic safety campaigns as set forth by OHSO and NHTSA, in particular the *Click-It or Ticket* mobilization and the *Drunk Driving: Over the Limit, Under Arrest* crackdown. The overtime assignments will be focused on locations and times where high incidents of crashes are likely to occur, as determined by Police records. These areas will be targeted in an effort to

PROJECT NO. OP-11-03-10-03 Page **4** of 8

increase compliance with occupant protection laws and reduce injury crashes through increased enforcement. PI&E efforts and events will be held to inform the community about the importance of proper seat belt and child restraint use, and related special emphasis events occurring in the city. In conjunction with this project, the Norman Police Department will conduct seat belt surveys prior to and at the conclusion of the project to aid in project evaluation.

In addition, the Norman Police Department will coordinate plans and host the IPTM Basic Crash Investigation and Reconstruction Course, "At-Scene Traffic Crash/Traffic Homicide Investigation." The course will be taught by instructors from the Institute of Police Technology and Management (IPTM), and will be offered to approximately thirty (30) students, consisting of officers from partner agencies within the Oklahoma City metropolitan area.

EQUIPMENT JUSTIFICATION:

NA

EVALUATION:

The Project Director will submit monthly reports to the Highway Safety Office providing a summary of project activity for the month, and detailing the number of overtime hours worked, the number and type of written contacts issued, and the number and description of PI&E events held. Support documentation will be submitted, including signed time sheets, financial reimbursement information and a description and/or copies of PI&E activities/events conducted.

At the conclusion of the IPTM Crash Investigation Course, the Project Director will submit to the OHSO a roster of students successfully completing the training, as well as financial documentation indicating proof of payment for services provided by IPTM.

At the conclusion of the project year, and no later than November 1, 2011, the Project Director will submit an end-of-year Summary Report outlining the accomplishments and deficits of the project, and will compare this information to baseline data to determine whether or not project goals have been met.

BUDGET SUMMARY

										Page	5	of	∞	Pages
PROJECT TITLE:						Federal F	Federal Fiscal Year:		2011			۵	PROGRAM AREA	I AREA
Norman	PD S	eat Belt	Norman PD Seat Belt Enforcement	ent		Project Number:	umber:		OP-11-03-10-03	10-03		õ	Occupant Protection	otection
COST CATEGORY		1	1st Quarter	<u>.</u>	2r	2nd Quarter	j.	3.	3rd Quarter	_	4	4th Quarter		Annual Total
ITEMS		OCT	NOV	DEC	JAN	FEB	MAR	APR	ΑA	2	=	9118	QE O	E
I. PERSONNEL													3	2
A. Salaries	۵	5,109	5,109	5,109	5,109	5,109	5,109	5,109	5,109	5,109	5,109	5,109	5,109	61,308
	∢													0.00
B. Benefits	۵	391	391	391	391	391	391	391	391	391	391	391	391	4,692
	٧													0.00
II. TRAVEL														
A In-State Travel	۵													0
	∢													0.00
B Out-of-State Travel	۵													0
	٨													0.00
III. OPERATING COSTS	Ь													0
	Α													0.00
IV. CONTRACTUAL	Ь						14,500							14,500
cusis	A													0.00
V. EQUIPMENT	Ь													0
	∢													0.00
MS JTHLY TOTAL	۵	5,500	5,500	5,500	5,500	5,500	20,000	5,500	5,500	5,500	5,500	5,500	5,500	80,500
6	∢	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00.00	0.00	0.00	0.00	0.00
P = Projected Expenditures	2	Ord by Dro	rotocii d toci	dtaga daeg	-									OHSO-P-2c (06/10)

P = Projected Expenditures
A = Actual Expenditures (To be completed by Project Director each month.)

BUDGET DETAILS

							Pa	Page 6	of	8 Pages
PROJECT TITLE:	CT 11	ПE	Fede	Federal Fiscal Year:		2011			PRO	PROGRAM AREA
		Norman PD Seat Belt Enforcement	Proj	Project Number:	Ľ	OP-11-03-10-03	-03		Occup	Occupant Protection
8	COST					MO	MONTH			TOTALS
CATEGORY	SORY	DESCRIPTION OF EXPENDITURE ITEMS		ОСТ	NOV	DEC	JAN	FEB	MAR	SEMI-ANNUAL
ITE	ITEMS			APR	MAY	NOT	JU.	AUG	SEP	ANNOAL
I.A	~	Overtime salary for officers working dedicated traffic	۵	5,109	5,109	5,109	5,109	5,109	5,109	30,654
		occupant protection, not to exceed 1.5 times regular	4							0.00
		hourly rate, unless contractually required and pre-	۵	5,109	5,109	5,109	5,109	5,109	5,109	61,308
		approved by OHSO.	∢							0:00
<u>.8</u>	Н	Benefits for overtime enforcement hours worked. (Rate	۵	391	391	391	391	391	391	2,346
		approved by OHSO.)	∢							0.00
			۵	391	391	391	391	391	391	4,692
			٨							0.00
≥.		Costs to host the IPTM Basic Crash Investigation &	۵						14,500	14,500
		Homicide Investigation." Cost of the program includes	∢							0.00
		Instructor Salaries, instructor travel and expenses, and	А							14,500
		ciassroom materials.	⋖							0.00
			۵							0
			A							0.00
			۵							0
			٨							0.00
			Ь							0
			⋖							0.00
2			۵							0
8-7			⋖							00:00
P = Planned Budget	ned Buc	P = Planned Budget								OHSO-P-2d(06/10)

P = Planned Budget A = Actual Expenditures (To be completed by Project Director each month.)

ACTIVITY / MILESTONES

											Page	7	of	8	Pages
PRO	PROJECT TITLE:					Federal	Federal Fiscal Year:	ear:	2011			_	PROGRAM AREA	M AREA	
	Norman PD Seat Belt Enforcement	cem	ent			Project	Project Number:	ı.	OP-11-03-10-03	3-10-03		0	Occupant Protection	Protectio	<u> </u>
								Σ	MILESTONES	ES					
Š	Activities		15	1st Quarter	j.	2r	2nd Quarter	er	3.	3rd Quarter	Jé	41	4th Quarter	j.	Total
			ОСТ	NOV	DEC	JAN	FEB	MAR	APR	MAY	NOL	JUL	AUG	SEP	ΔTY
П	Hours of overtime occupant protection enforcement worked. Estimate of 1,452	4	121	121	121	121	121	121	121	121	121	121	121	121	1452
	\$42.00 per hour.	4													0
2	Number of occupant protection citations and written warnings issued (target is two per hour).	۵	242	242	242	242	242	242	242	242	242	242	242	242	2904
-		∢													0
m_	Number of citations and written warnings issued (NOT TO INCLUDE OCCUPANT	۵			1	ŧ	1	ı	ı	1	1	1	•	ı	0
	REPORTED ABOVE). No target established.	∢													0
4	Conduct pre and post seat belt use surveys.	۵	×											×	0
		∢													0
5	Number of PI&E activities (to include media contacts, safety presentations, etc.)	۵.	1	1	н	1	1	1	Н	1	1	1	1	1	12
28-8		∢													0
P = P	P = Projected Activities													OHSO-P-	OHSO-P-2e (06/10)

P = Projected Activities
A = Actual Activities Accomplished (To be completed by Project Director each month.)

ACTIVITY / MILESTONES

				i							Page	8	of	8	Pages
PRO	PROJECT TITLE:					Federal	Federal Fiscal Year:	ear:	2011			_	PROGR/	PROGRAM AREA	
	Norman PD Seat Belt Enforcement	Sem	ent			Project	Project Number:	Ľ	OP-11-0	OP-11-03-10-03		0	ccupant	Occupant Protection	
		Н						2	MILESTONES	VES					
Š	Activities		1;	1st Quarter	ter	21	2nd Quarter	er	3	3rd Quarter	er	4	4th Quarter	er	Total
		L	ОСТ	NOV	DEC	JAN	FEB	MAR	APR	MAY	NOC	JUL	AUG	SEP	YTD
9	Provide roster of students successfully completing the IPTM Crash Investigation	Ъ							×						0
·····		⋖													0
7	Support NHTSA's national goals and participate in the national Click-It or Ticket & Drunk Driving: Over the Limit Hader	_								×			×		0
	post	⋖													0
∞	Provide monthly claim submissions and support documentation, including Law	۵	×	×	×	×	×	×	×	×	×	×	×	×	0
		⋖													0
6	Submit a copy of Single Audit Report or Letter of Exemption. (See General	۵				×									0
		⋖													0
10	Submit Project Evaluation Summary to OHSO by November 1, 2011.	_		X (2011)											0
28-9		4													0
P = Pr	P = Projected Activities	;												OHSO-P-	OHSO-P-2e (06/10)

P = Projected Activities
A = Actual Activities Accomplished (To be completed by Project Director each month.)

OKLAHOMA HIGHWAY SAFETY OFFICE Law Enforcement Activity Report Form

AGENCY		Norman	Norman Police Departmen	rtment				PRO	PROJECT NUMBER	BER		OP-11-03-10-03	3
MONTH	October	October November December January February March	December	January	February	March	April	May	June	July	August	August September	Total
CATEGORY													
Speed Related													0
Seat Belt/ CR													0
DUI/DWI/APC													0
All Other													0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	С

GLOSSARY OF DEFINITIONS

This glossary defines terms with meanings which may be unclear in the context in which they are used. These definitions are meant to apply only to the usage of these terms in this grant agreement.

Activity – The smallest unit of work that can be time-framed, quantified, and is critical to the success of a project.

Actual – The attained level of resources and/or accomplishments.

<u>Authorized Agent</u> – The duly authorized representative of the State Agency or Local Subdivision having signatory authority and the responsibility of executing the grant agreement.

C. F. R. - Code of Federal Regulations.

<u>Director</u> – The Director authorized by the Governor's Representative to direct the activities of the Oklahoma Highway Safety Office.

FY - Fiscal year which starts October 1 and ends September 30 each year.

Governor's Representative - A representative appointed by the Governor of Oklahoma to oversee the activities of the Oklahoma Highway Safety Office.

Grantor Agency - Oklahoma Highway Safety Office.

Local Subdivision - An administrative division of local government.

Milestone - A level of accomplishment of an activity within a specific period of time.

Obligated - The proposed level of resources and/or accomplishments.

OMB - Office of Management and Budget (Federal).

OHSO - Oklahoma Highway Safety Office.

<u>Program Manager</u> – An OHSO staff member authorized to act as the liaison between the Highway Safety Office and the State Agency or Local Subdivision in all matters pertaining to a project.

<u>Project Director</u> – A representative of the grantee responsible for directing the activities of the project.

QTD - Quarter-to-date.

Standard Number - A number assigned to one of the highway safety program areas as defined by the Highway Safety Act of 1966.

State Agency - An administrative division of state government.

Task Number - A number assigned by the OHSO for internal management.

U. S. C. - United States Code.

YTD - Year-to-date.

OHSO-P-2f Reg-Gen contract Agreements II (08/10)

REGULATIONS AND DIRECTIVES

The Grantee, its assignee(s), successor(s) in interest, subcontractor(s), supplier(s), or anyone who is a recipient of financial assistance through this grant shall agree to all applicable provisions of the following; however, nothing here should be interpreted to limit the requirements to comply with regulations and directives not included in this list:

- 1. Office of Management & Budget Circular A-102: Grants and Cooperative Agreements with State and Local Governments (Revised 10/7/94 and further amended 08/29/1997).
- 2. Office of Management & Budget Circular A-87: Cost Principles For State, Local, and Indian Tribal Governments (05/10/2004), relocated to 2 CFR, Part 225.
- 3. Office of Management & Budget Circular A-21: Contract Costs Principles and Procedures; Cost Principles for Educational Institutions. (Revised 05/10/2004)), relocated to 2 CFR, Part 220.
- 4. Office of Management & Budget Circular A-110: Uniform Administrative Requirements for Grants and Other Agreements with institutions of Higher Education, Hospitals and other Non-Profit Organizations (11/19/1993 and further amended 09/30/1999)), relocated to 2 CFR, Part 215.
- 5. Office of Management & Budget Circular A-122: Cost Principles for Nonprofit Organizations (05/10/2004)), relocated to 2 CFR, Part 225.
- 6. Office of Management & Budget Circular A-133: Audits of States, Local Governments, and Non-Profit Organizations (06/24/1997 includes revisions published in Federal Register 06/27/2003).
- 7. Department of Transportation Regulations, 49 CFR Part 18, Uniform Administrative Requirements for Grants and cooperative Agreements to State and Local Governments.
- 8. 49 CFR Part 19 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations.
- 9. Department of Transportation 23 USC, Chapter 4, Highway Safety Act of 1966, as amended.
- 10 Department of Transportation 23 CFR, Parts 1200, 1205, 1206, 1250, 1251 and 1252, Regulations governing highway safety programs.
- 11. NHTSA Order 462-6C Matching Rates for State and Community Highway Safety Programs.
- 12. Highway Safety Grant Funding Policy for Field-Administered Grants.
- 13. Executive Order No. 11246,3 CFR 169 (Supp. 1969), "Equal Employment Opportunity" / Department of Labor Regulations, 41 CFR Part 60.
- 14. Copeland Act, 18 U.S.C. Section 874 / Department of Labor, Regulations, 29 CFR Part 3.
- 15. Davis-Bacon Act, 40 U.S.C. Sections 276a to 276a-5 (1964) as Amended / Department of Labor Regulations, 29 CFR Part 5.
- 16. The Drug-free Workplace Act of 1988 (49 CFR Part 29 Sub-part F).
- 17. Cash drawdowns will be initiated only when actually needed for disbursement, cash disbursements and balances will be reported in a timely manner as required by NHTSA, and the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.20, 18.21, and 18.51). Failure to adhere to these provisions may result in the termination of drawdown privileges.
- 18. Compliance with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended, as implemented by 49 CFR Parts 21 and 27. Title Viii of the Civil Rights Act of 1968 and any other nondiscriminatior 28-12 sions in the specific statute(s) which may apply to the application.

REGULATIONS AND DIRECTIVES (CONT.)

- 19. Hatch Act (Political Activity), 5 U.S.C. Sections 1501-1508 and 5 CRF Part 151.
- 20. Contract Work Hours and Safety Standards Act, 40 U.S.C. Sections 327-330 (1962) / Department of Labor Regulations 29 CFR Part 5.
- 21. Buy America Act, 23 U.S.C. 101.
- 22. Clean Air Act of 1955, as amended, 42 U.S.C. Sections 1857-1857f.
- 23. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions:
 - (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
 - (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- Certification Regarding Federal Lobbying; Certification for Contracts, Grant, Loans, and Cooperative Agreements. The undersigned certifies, to the best of his or her knowledge and belief, that: (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for the influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (3) Then undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
 - Restriction on State Lobbying; None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.
- 25. Oklahoma Travel Reimbursement Act, 74 O.S. 1999, Section 500.2 (as supplemented or amended).
- 26. Oklahoma Central Purchasing Act, 74 O.S. (Supp. 1999), Sections 85.1-85-45K.
- 27. Compliance with all other acts of Congress of the United States, the Statutes of the State of Oklahoma, and the Administrative Policies of the Oklahoma Highway Safety Office.
- 28. Compliance with all rules and regulations as set forth by the U.S. Department of Transportation, the National Highway Traffic Safety Administration, the Federal Highway Administration, the State of Oklahoma, or the Highway Safety Office.

REGULATIONS/DIRECTIVES HIGHLIGHTS

The following are highlights of the previously referenced documents. This is in no way intended to eliminate or restrict the meaning and/or the content of the aforementioned documents.

1. Incorporation or Provisions

The Grantee shall include the provisions of the referenced regulations and directives in every subcontract including procurement of materials, leasing of equipment, and personal services.

2. Nondiscrimination Clause

The Grantee, its subcontractor(s), and/or supplier(s) will not discriminate on the grounds of race, age, color, sex, handicap, national origin or religion, and such provisions will be written into all subcontracts.

3. Noncollusion Clause

The Grantee, its subcontractor(s) and/or supplier(s) represents that neither the Grantee nor anyone subject to the Grantee's direction or control has been paid, given or donated or agreed to pay, give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring this grant or obtaining payment as a result of this grant agreement.

4. Information and Reports

The Grantee will provide all information and reports, and will permit access to its books, records, accounts and other sources of information, as may be determined by the Highway Safety Office, State Auditor and Inspector, or the U.S. Department of Transportation.

5. Noncompliance of Terms & Termination of Project

In the event of noncompliance by the Grantee, its subcontractor(s) and/or supplier(s), the Grantor Agency may impose such sanctions as it deems appropriate including; withholding of payments, cancellation, termination or suspension of the project in whole or in part.

6. Conferences, Inspection of Work

Conferences may be held at the request of any party to this grant agreement. A representative of the Grantor Agency and/or of the U.S. Department of Transportation shall be privileged to visit the site for the purpose of inspection and/or assessment of work being performed at any time as mutually agreed by both parties.

7. Modification Procedure

All modifications to this grant agreement must have the prior written approval of OHSO. A request for a modification may be
originated by either the Grantee or OHSO. The method of modifying the agreement shall be determined and executed in
accordance with OHSO policy

8. Travel

Mileage and per diem rates for persons assigned to this project, including local vicinity travel, travel to other parts of the State and travel outside the State, are regulated as provided in the Oklahoma Travel Reimbursement Act.

9. Out-of-State Training

A letter of request shall be submitted containing the following information. This letter must be received and approved by OHSO <u>prior</u> to travel and training. The request shall contain the following:

- a. Location of training
- d. All costs (travel, lodging, per diem, fees, etc.)

b. Specific dates

e. Name and rank of personnel attending

c. Training outline

10. Disputes

Any dispute, disagreement or question of fact arising under this grant agreement shall be decided by the Highway Safety Director/Governor's Representative and written documentation will be distributed to parties concerned. A written appeal may be made within 30 calendar days to the Governor's Representative. A decision in writing will be distributed to the parties concerned.

11. Reports

- A. Before publication or printing, the final draft of any report(s) required under the grant agreement or pertaining to the project shall be submitted to the Grantor agency for review and prior to publication.
- B. Each publication and/or printed report covered by Paragraph 11-A (above) must include the following statements:
 - (1) This report was prepared for the Highway Safety Office in cooperation with the National Highway Traffic Safety Administration, U.S. Department of Transportation, and/or Federal Highway Administration, U.S. Department of Transportation. (cover page)
 - (2) The conclusions and opinions expressed in these reports are those of the author(s), and do not necessarily represent those of the Oklahoma Highway Safety Office, the State of Oklahoma, the U.S. Department of Transportation, or any other agency of the State or Federal Government. (cover page)
 - (3) This publication, printed by (name of printing firm) is issued by the Department of Public Safety as authorized by the commissioner of Public Safety. _____ copies have been prepared and distributed at a cost of \$_____. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries. (The statement may be placed where it does not distract from the publication and may be in a smaller font.)
- C. In addition, any statements issued to the news media concerning this grant and the performance of objectives herein under described, must be approved by OHSO prior to release to the abovementioned news media. The Grantor Agency shall have the authority to edit, rewrite and make modifications as necessary for the clarification of information contained in such news releases, and may elect to prohibit issue of any given release.

12. Public Information

All Grantees and subcontractors are required to comply with the Department of Defense Appropriations Act of 1988, Section 8136 of this law, which states:

A contractor or subcontractor when issuing statements, press releases, requests for proposals, bid solicitations, and other documents (prepared for public distribution) describing projects or programs funded in whole or in part with Federal money, all contractors and subcontractors receiving Federal funds, including but not limited to State and Local Governments, shall clearly state, (1) the percentage of the total cost of the project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program. This disclosure should appear at the bottom of the front cover or page.

13. Cancellation

This grant agreement may be canceled by the Grantor Agency if the Grantee, its subcontractor(s) and/or its supplier(s) violate any provision of this grant agreement. In such an event, the Grantor Agency shall notify the Grantee of such decision 30 days in advance of the effective date of cancellation. The Grantee shall be paid only for those services satisfactorily performed prior to the effective date of cancellation.

The Grantee may terminate the contract in writing. Termination will become effective 30 days after receipt of written notification or when conditions preclude the 30-day notice.

14. Tax and Compensation Liability

Nothing herein contained shall be construed as incurring for the Grantor Agency any liability for Workmen's Compensation, F.I.C.A., Withholding Tax, Unemployment Compensation, or any other payment which is not a part of this contract.

15. Equipment Purchased with Highway Safety Funds

- Ownership of equipment purchased is vested in the Grantee, who must use the property only for the authorized purpose of this project(49 CFR, Part 18 (Common Rule))
- Equipment must be entered into, and tracked through, the Grantee's inventory system and the OHSO inventory
- Equipment maintenance and liability coverage are the Grantee's responsibility
- Grantee shall not remove, transfer, or dispose of the property without prior written approval from OHSO
- If equipment is lost or stolen, the OHSO must be notified immediately, in writing, accompanied by a police report

To dispose of ANY equipment, the Grantee MUST:

- 1. Write a letter of request to OHSO;
- 2. State how the disposal will occur (auction, transfer, etc.) and/or provide three (3) appraisals;
- 3. Maintain equipment until Grantee receives letter of approval.
- 4. Return Equipment to OHSO

16. Records, Retention and Custodial Requirements

Financial records, supporting documents, statistical records, and any other records pertinent to this contract shall be retained for a period of three years, from submission of final claim or as specified by the Grantor Agency, and/or the Oklahoma State Auditor and Inspector.

17. Responsibility for Claims and Liability

The Grantee shall be required to save and hold harmless, Grantor Agency, State of Oklahoma, National Highway Traffic Safety Administration, Federal Highway Administration, and U.S. Department of Transportation, from all claims and/or liability due to the negligent acts of Grantee or Grantee's subcontractor(s), agents or employee(s) to the extent allowable under Oklahoma State Law.

18. Ownership of Data and Creative Material

"Unless provided to the contrary, in writing, between the parties or in the grant documentation, if any, or otherwise provided in the federal or Oklahoma law, the State of Oklahoma is hereby granted and conveyed by the vendor or sub-grantee, and the state hereby retains, all the exclusive rights to use and own and to transfer ownership and usage rights, as the state may wish, in and to any and all property and property rights, including, but not limited to:

Intellectual property rights, patent, copyright, trademark, trade names, web sites, domain names, internet addresses or any other thing, tangible or intangible, partly or fully developed, acquired, created, registered or used with any of the funds issued hereunder or the cost of which is fully or partially reimbursed with any of the funds issued hereunder. Furthermore, such a clause shall be included in any subcontract or sub-grant issued by the vendor or sub-grantee hereunder with a 3rd party, and this provision shall be binding on any and all 3rd parties."

19. Procurement Procedures

The Grantee shall accomplish the maximum amount of subcontracting to small business concerns that is consistent with the efficient performance of this project, and all transactions shall be conducted in a manner so as to provide maximum open and free competition. All non-state agencies shall submit a copy of their procurement procedures at the beginning of the project. These procedures will be submitted to the Director of the Central Purchasing Division of the Oklahoma Department of Central Services to verify that they meet the minimum requirements of the Central Purchasing Act (therefore, the Common Rule).

20. Project Monitoring

OHSO Program Managers shall make project on-site visits to provide technical assistance and oversight. Grantee shall provide the latter with access to all project records, equipment, and information upon request, and provide copies of such documents upon request.

21. Financial Management Systems

The Grantee, its subcontractors, and/or its supplier(s) shall adopt all of the generally accepted accounting practices including, but not limited to, the following:

- a. Monthly financial claims will identify adequately the source and application of funds for the Grantor Agency in support of a line item.
- b. The Grantee shall adequately safeguard all such assets and shall assure they are used solely for authorized purposes, and maintain effective control over and account for all funds, property, and other assets.
- c. Comparison of financial information with performance or productivity date.
- d. Accounting records must be supported by source documentation and said documentation must be attached to reimbursement claims.

22. Audit

All entities who receive \$500,000 or greater from any and all sources of Federal funds shall have an audit conducted in accordance with the OMB Circular A-133 or in accordance with Federal Laws and regulations governing the programs in which they participate.

All Entities that receive <u>less than \$500,000</u> in a given fiscal year shall be exempt from complying with the requirements prescribed in OMB Circular A-133. All exempt entities shall provide OHSO a letter stating they are exempt.

A-133 is applicable to Audits of States, Local Governments and Non-Profit Organizations.

Scope of Audit

The audit shall be made by an independent auditor or audit firm in accordance with generally accepted Government Auditing Standards covering financial and compliance audits on an organizational-wide basis. Failure to comply could result in imposed sanctions by the Grantor Agency as it deems appropriate including: withholding of payment, cancellation, termination or suspension of the project in whole or in part.

- <u>Audit Reports</u> - All audits must contain a "Schedule of Federal Financial Assistance" as prescribed by the AICPA and the schedule must address the OHSO funds.

It is the responsibility of the Grantee or subcontractor to submit a copy of the completed Audit Report to OHSO within 30 days after it is received from the auditor unless the Federal Cognizant Audit Agency grants a longer period.

Frequency of Audits shall be annually unless state agencies, local governments, Indian Tribes, recipients, sub recipients and/or
Universities, hospitals or nonprofit entities have filed a constitutional or statutory requirement for less frequent audits to the
Federal Cognizant Audit Agency.

All Grantees are required by OMB Circular A-133 to keep audit reports on file for three years after the date of the audited period.

23. Monthly Project Director's Report and State Claim

This report must contain the following:

- a. Project Director's Report Signature Page OHSO-P-6;
- Budget Summary Page(s) OHSO-P2c and Budget Detail page(s) OHSO-P-2d;
- c. Activity/Milestone Page(s) OHSO-P-2e;
- d. Grantee's statistical support for the project activities;
- e. Signed time sheets for project personnel and copies of payroll forms;
- f. Copies of Grantee's Purchase Orders, Vendor's Invoices, Grantee's Claims to vendor and all other documents pertaining to project costs;
- g. The OHSO Accountant will complete an OHSO form #72-B entitled, "Record of Equipment" for each item of equipment purchased. It is the responsibility of the Grantee to see that all records related to the purchase of equipment are attached to a reimbursement claim. Attached records must identify the item of equipment by name, serial number, cost, brand name, model number, manufacturer, proof of payment and where the item will be located. It is possible for OHSO to hold the reimbursement of all claims until after all required information has been received by OHSO.

24. Vehicle Insurance Verification

A condition of approval for the grant agreement is that an individual or business performing project activities which result in the use of automobiles must provide the OHSO, on request, a copy of the appropriate current Insurance Company coverage Declarations form as proof of meeting the statutory requirements of automobile insurance coverage in Oklahoma. Update and current insurance declarations will be required to prove continued coverage throughout the life of this contract.

25. Annual Report

All final claims for reimbursement and a final summary report of all activities <u>must</u> be received by the OHSO no later than November 1. Claims received after November 1 may not be eligible for reimbursement.

26. Indirect Costs

Grantees who possess a federally negotiated indirect cost rate must provide the OHSO a copy of that documentation for OHSO project files. The federally approved indirect cost rate is the maximum allowable rate. The federally approved indirect cost rate may or may not be the indirect cost rate agreed to between the Grantee and the OHSO. Non-governmental entities utilizing indirect cost as a part of their grant agreement must do so in accordance with OMB Circular A-122. No indirect cost reimbursement request will be processed for payment unless the appropriate indirect cost approval documentation is on file with the OHSO.

SPECIFIC AGREEMENTS - PART III

Grantee shall adopt (if none presently exists) and enforce a safety belt use policy requiring all employees and others riding in Grantee vehicles and/or on Grantee business to use safety belts in accordance with State law.

Grantee is required by the State of Oklahoma to provide proof of Workers Compensation Insurance. If the Grantee is exempt from the Workers Compensation Insurance Statute, a signed waiver of liability form must be submitted. Failure to provide one or the other will result in a cancellation of the award.

Regular compensation and/or overtime compensation provided in this grant award will be paid in accordance with established policies and regulations of your entity. Any deviation from the established policies and regulations must be specifically addressed in the written grant award.

Grantee shall verify that any officer using a grant purchased radar or grant purchased video camera has received training in the proper use of the equipment.

Grantee shall encourage all law enforcement officers participating in impaired driving enforcement programs to obtain certification in NHTSA sanctioned Standard Field Sobriety Test (SFST) procedures.

Grantee shall submit monthly activity and reimbursement reports (including all appropriate documentation) to OHSO. Reports shall be submitted within 30 days of the end of the reporting month. Failure to comply with this 30-day limit may result in denial of the reimbursement claim.

Reports should include, as a minimum, the following:

- 1. Project Director's Report.
- 2. Budget Summary (include all cumulative year-to-date information).
- 3. Budget Details (include all cumulative year-to-date information).
- 4. Activity Milestones (include all cumulative year-to-date information).
- 5. Financial documentation for the current report (time sheets, payroll documents, invoices, purchase orders, and/or other appropriate verification of expenditures).
- 6. Activity documentation for the current report (include information on all projected activities whether completed or not, and any additional activities that were conducted; an explanation should be provided for any activities not completed).
- 7. Any additional, pertinent information to the project for the current reporting period.

This is a Federally funded project. The Federal Funds are provided by the NHTSA and, as such, may be subject to audit under Office of Management and Budget (OBM) or A-133. Unless other arrangements are made, any required audit is the responsibility of the Grantee.

Any activities or cost items not specifically addressed in this agreement or any revisions to the items which are included in the agreement must be approved, in writing, by the OHSO Director/Governor's Representative or designee before they will be considered eligible activities and/or cost items. (For example, any out-of-state travel expenses not specifically identified in one's agreement require prior written permission from the OHSO Director/Governor's Representative or designee or the costs will not be reimbursed.)

These "Specific Agreement" topics have been provided in an effort to assist grantees. This is not in any way a complete list of all requirements. Any questions and/or concerns not addressed here or in other areas of this grant agreement should be directed to the OHSO Program Manager assigned responsibility for oversight of this project.

The continuation of this project is contingent on the availability and receipt by OHSO of Federal Funds.

OKLAHOMA HIGHWAY SAFETY OFFICE PROJECT DIRECTOR'S REPORT

TITLE OF	PROJECT						
	Norman PD Seat	Belt Enfo	rcement				
	CONTRACT NUMBER		REIMBURSE	MENT			
	OP-11-03-10-03		Claimed	\$			
	REPORTING PERIOD	OHSO	Amount Disallowed	\$			
From	То	USE ONLY	Total Allowed	\$			
	SUMMARY OF ACCOMPLISHM	ENTS FOR	REPORTING PERIOD				

		<u>DAVIT</u>					
l,	, the undersigned, of lawful age entioned grant agreement with the Oklahoma Highway Safety Office; do			he duly authorized Project Director of "Project Director's Report": that said			
report is, in a	accordance with the aforementioned grant agreement, true and correct a	nd that the cla	im for reimbursement is correct, ju	ust and due; that the amount claimed,			
	ig all just credits, is now due and wholly unpaid; and that I am duly aut nt further states that he/she has fully complied with all Municipal, State a						
	ed in Parts II and III of the aforementioned grant agreement, to the best o			, , , , , , , , , , , , , , , , , , , ,			
	PROJECT DIRECT	OBIS SIGNA	ATI IDE				
	- NOSECT BIRECT	OK 5 SIGIR	TONE				
	City of Norman						
	Contractor	-	Signature				
_	Norman Police Department		Data				
	Department or Division		Date	d and a dead			
онѕо	The Oklahoma Highway Safety Office hereby acknowledges satisfact agreement. Documentation of the receipt and/or performance is on file			d under the above mentioned grant			
USE							
ONLY	By Date		P.O. #				



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 29

Text File Number: K-1011-81

Introduced: 9/15/2010 by Lisa Krieg, Grants Planner

Version: 1

Current Status: Consent Item

Matter Type: Contract

Title

CONTRACT NO. K-1011-81: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BANK OF AMERICA TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2334 ASHWOOD LANE.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-81 with Bank of America; and, if approved, authorize the execution of the contract.

ACTION TAKEN:	

Body

<u>BACKGROUND</u>: In November 2008 the City of Norman HOME Partnership Program provided \$5,000 as down payment assistance to Mark G. Neel and Amber Spencer for the purchase of a home at 2334 Ashwood Lane as a part of the NCRC Homebuyer Program. The NCRC Homebuyer Program is operated in conjunction with the Norman Community Reinvestment Council (NCRC), a 501 (c)(3) corporation that is comprised of Norman banking institutions providing assistance to lower income citizens of Norman. Four hundred sixty-four (464) such loans have been made since the program was initiated in 1995 to provide down payment assistance and closing costs to income-qualified Norman citizens in the purchase of their first home.

As a condition of funding, a lien was placed on the property and was filed as a subordinate mortgage to the primary mortgage on the property. Any modification of the primary mortgage requires resubordination of the lien. The program does not require repayment of the loan as long as the applicant maintains their home as their primary residence for five years; and at the end of five years the subordinate mortgage is released.

DISCUSSION: Approval of the request for subordination of the lien on 2334 Ashwood Lane would allow the owner to secure a loan to refinance the primary mortgage that will provide a lower interest rate to reduce the house payment by \$34.21 per month. Documentation from Bank of America including a Certification of Mortgage Loan Refinancing, Good Faith Estimate, and a Truth in Lending Disclosure Statement are attached. The Subordination Agreement that will be filed with the new primary loan is also attached. In accord with the adopted City of Norman Housing Handbook, these documents prove that all funds will be used for the refinancing of the home, with no funds going toward payment of debt.

Subordination of the lien would assist in making more money available for the upkeep of the property. The City would maintain a second position on the property. Additionally, the request meets the requirements of our policy to subordinate only for the purposes of lowering payments or improving the home, and the terms and conditions of program participation as described in the subordinate mortgage executed in November 2008 will not be modified.

RECOMMENDATION: Approval of Contract No. K-1011-81 for subordination of the lien on 2334 Ashwood Lane is recommended. Subordination of liens in the HOME Partnership Program is allowed by the Department of Housing & Urban Development and is consistent with program goals.

K-1011-81 SUBORDINATION AGREEMENT

Know All Men By These Presents:

That, for and in consideration of the sum of one dollar (\$1.00) and other good and
valuable considerations, in hand paid, receipt of which are hereby acknowledged, THE CITY OF
NORMAN, an Oklahoma Municipal Corporation, the undersigned, has agreed, and by these
present, does agree with Mark G. Neel and Amber Spencer, that the lien of a certain mortgage
from Bank of America, to Mark G. Neel and Amber Spencer,
Dated the day of,, and recorded in Book at
Pages of the records of Cleveland County, Oklahoma, upon the following
described real property, to-wit:
Lot 13, in Block 1 of Hall Park Addition to Norman, Cleveland County, Oklahoma according to
the recorded plat thereof. 2334 Ashwood Lane.
Shall be prior and superior lien upon said property to the lien of that certain Mortgage on said
real property, from said Mark G. Neel and Amber Spencer to THE CITY OF NORMAN, dated
November 14, 2008 and recorded in Book 4553 at Pages 706-713 of the records of Cleveland
County, Oklahoma, and such priority shall be accorded said first above described mortgage,
notwithstanding that said mortgage was dated and recorded subsequent to the date and
recordation of the said second above described mortgage. If superior mortgage is renewed,
extended or assigned, it is still the intent that this Subordination Agreement be enforced.
SIGNED AND AGREED TO THIS 15 DAY OF GEPTEMBER, 2010.
By: Marthall
By: autor Szences
By: Clubby John Clo
State of Oklahoma County of Cleveland
This instrument was acknowledged before me on the 15 day of SEPTEMBER, 2010.
My commission expires: 1-3-2012
OTAR, OFFICIAL SEAL Mu D. Muy
PUBLIC Lisa D. Krieg Notary Public WAND FOR COmmission # 00010284 OTZAHON Expires July 3, 2012

K-1011-81 Page 2

SIGNED AND AGREED TO THIS	DAY OF	, <u>2010</u> .
	THE CITY OF NORMA	N, OKLAHOMA
	BY:	
	Cindy S. Rosenthal,	Mayor
ATTEST:		
Brenda Hall, City Clerk	-	
	Approved as to form and day of Septem	legality this , 2010.
	City Attorney's Office	Agier
State of Oklahoma County of Cleveland		
On this day of	nthal, Mayor for THE CIT locument as his voluntary ac	Y OF NORMAN,
My commission expires:		
	Notary Public	



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 30

Text File Number: 2010-06033 A

Introduced: 9/20/2010 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Matter Type: Court Order

Title

Version: 1

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$24,364.52 REGARDING TABITHA NATION VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-06033 A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of \$24,365.52 which will constitute judgment against the City of Norman.

ACTION TAKEN:			

Body

<u>BACKGROUND</u>: Tabitha Nation is a Parking Service Officer with the Norman Police Department. She filed Workers' Compensation claim WCC 2010-06033 A on May 28, 2010, alleging injury to her right knee with consequential injury to her right foot. The case proceeded through the normal litigation process and a trial was held on September 9, 2010. The Court Order is being presented to City Council at this time. It is recommended that this Order be accepted.

DISCUSSION:

<u>Nature of Claim.</u> Tabitha Nation was hired by the City on June 14, 2005 as a Communication Officer and on February 29, 2008 transferred to the Parking Service Division. She filed a Workers' Compensation claim alleging an injury when she was struck by a vehicle and injured her right knee.

Issues for Trial. There is no question Ms. Nation's injury arose out of and in the course of her employment with the City. Therefore, the only issue before the Workers' Compensation Court in this case was the nature and extent of Ms. Nation's injury. Nature and extent is determined by the trial judge based on the claimant's testimony and expert medical evidence. The Workers' Compensation Court Judge is free to accept either doctors' opinion or find anywhere within the range of competent medical evidence presented. Permanent partial disability ("PPD") is a factual determination made by the Workers' Compensation Court trial judge based upon the evaluating doctors' opinions regarding the extent of permanent partial impairment.

On July 15, 2010, Ms. Nation was evaluated by Dr. M. Stephen Wilson who opined 28% PPD to the right leg/knee and 18% PPD to the right foot/ankle. These ratings equate to \$22,253 PPD to the right knee and \$11,444.40 to the right foot. On August 25, 2010, Ms. Nation was evaluated by the City's doctor, Dr. Kent Hensley, who opined 5% PPD to the right knee and 0% to the right foot. This rating equates to \$3,973.75. The trial judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Ms. Nation for her injuries total \$33,697.40.

Court Award. This case was heard by the Workers' Compensation Court on September 9, 2010. After hearing the Claimant's testimony and considering the expert medical evidence, the Court opined that Claimant sustained 20% PPD to the right knee and a consequential 12% PPD to the right foot. The Court's findings are set out in Paragraph No. 3 of the Order, see Attachment 1, as follows:

"THAT as a result of said injury, claimant sustained 20 percent permanent partial disability to the RIGHT KNEE (CHONDROMALACIA - SYMPTOMOLOGY CONSISTENT WITH MENISCAL TEAR - LIGAMENT INSTABILITY - WEAKNESS - SWELLING - LIMITED ACTIVITIES), and 12 percent permanent partial disability to the RIGHT FOOT (ANKLE) (PERMANENT ANATOMICAL ABNORMALITIES CAUSING LOSS OF RANGE OF MOTION - WEAKNESS), for which claimant is entitled to compensation for 81.4 weeks at \$289.00 per week, or the total amount of \$23,524.60 of which 18 weeks have accrued and shall be paid in a lump sum of \$5,202.00"

As can be noted in Paragraph No. 3 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Ms. Nation's weekly wage PPD rate is \$289.00. In this instance, a portion of the award has accrued and will be paid in a lump sum as set forth in Attachment 2.

Further, in complying with the Order, Claimant and her attorney will be paid in a lump sum of \$11,062.92. Also, as noted in Paragraphs No. 7 and 8 of the Order, the City will incur additional costs and fees in the total amount of \$839.92, as set out in Attachment 2.

The total cost of this Order to \$24,364.52.

RECOMMENDATION: The issue tried on September 9, 2010 was the nature and extent of Ms. Nation's right knee/foot injury. It is not anticipated a more favorable ruling for the City could be achieved by further litigation. Moreover, the ruling is within the range of the doctors' opinions. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined in Attachment 2. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 2b, 51 O.S. § 159, and 62 O.S. § 361, et seq. Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

In re claim of:	FILED
	WORKERS' COMPENSATION COURT
	STATE OF OKLAHOMA
TABITHA NATION	September 14, 2010
	Robert L. Tharp
Claimant) COURT CLERK
) Court Number: 2010-06033A
CITY OF NORMAN .)
Respondent)
•) Claimant's Social Security
CITY OF NORMAN (OWN RISK #10970)) Number: 443-96-9281
Ins. Carrier)

ORDER DETERMINING COMPENSABILITY AND AWARDING PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 9th day of SEPTEMBER, 2010, this cause came on for consideration pursuant to regular assignment and hearing on SEPTEMBER 8, 2010, before JUDGE WILLIAM R FOSTER, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, GREG A BARNARD and respondent and insurance carrier appeared by counsel, R BLAINE NICE.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT on APRIL 1, 2008, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma; and on said date claimant sustained accidental personal injury to the RIGHT KNEE and consequential injury to the RIGHT FOOT (ANKLE)(DIRECTLY CAUSED BY EMPLOYMENT AT WORK) arising out of and in the course of claimant's employment.

-2-

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at \$577.00 per week for temporary total disability and \$289.00 per week for permanent partial disability.

-3 -

THAT as a result of said injury, claimant sustained 20 percent permanent partial disability to the RIGHT KNEE (CHONDROMALACIA - SYMPTOMOLOGY CONSISTENT WITH MENISCAL TEAR - LIGAMENT INSTABILITY - WEAKNESS - SWELLING - LIMITED ACTIVITIES), and 12 percent permanent partial disability to the RIGHT FOOT (ANKLE)(PERMANENT ANATOMICAL ABNORMALITIES CAUSING LOSS OF RANGE OF MOTION - WEAKNESS), for which claimant is entitled to compensation for 81.4 weeks at \$289.00 per week, or the total amount of \$23,524.60 of which 18 weeks have accrued and shall be paid in a lump sum of \$5,202.00.

-4-

THAT respondent or insurance carrier shall furnish claimant with continuing medical maintenance to include 2 office visits and prescription medications as recommended by Dr. Jim Bond for this injury, until further order of this Court.

- 5 -

THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury.

-6-

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$5,202.00 and pay the balance of said award at the rate of \$289.00 per week until the total award of \$23,524.60 (less attorney fee) has been paid to claimant.

-7-

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of \$176.43, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay \$470.49 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

-8-

THAT pursuant to Title 85 O.S. Section 93, a final award fee of seventy-five dollars (\$75.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 9 -

THAT the sum of \$4,704.92 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

WILLIAM R FOSTER, JUDGE

km/CRichardson

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney:

GREG A BARNARD

225 N PETERS

NORMAN, OK 73069-7232

Respondent's Attorney:

R BLAINE NICE

PO BOX 370

NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

Court Clerk

September 14, 2010

Robert of Thesp

Tabitha Nation v. City of Norman WCC- 2010-06033 A Attachment No. 2

DESCRIPTION	AMOUNT
PPD (20% right knee) PPD (12% right foot) Total Award	\$15,895.00 \$ <u>7,629.60</u> \$23,524.60
Lump Sum Payment: Accrued 18 weeks @ \$289/week (per Order) Add'l 4 weeks City Council/Finance Processing Total Lump Sum to Claimant	\$ 5,202.00 \$ 1,156.00 \$ 6,358.00
Attorney's Fee (per Order) Total Lump Sum to Claimant & Attorney	\$ 4,704.92 - <u>\$ 11,062.92</u>
Balance to be paid in weekly payments until Paid	\$12,461.68
	\$12,461.68

The balance of the Order, \$12,461.68 will be paid weekly at \$289/week until paid, with the first payment to begin on or around October 11, 2010.

Also, as noted, in Paragraph Nos. 7 & 8 of the Order, the City will incur additional costs, fees and filing fee in Cleveland County as follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax	\$ 470.49
Special Occupational Health & Safety Fund Tax	\$ 176.43
Filing Fee (Workers' Comp Court)	\$ 75.00
Filing Fee (Cleveland County District Court)	\$ 118.00
Total costs & fees to the City of Norman	\$ 839.92

The total cost of this Order to the City would be \$24,364.52.

0000176458
NBR:
REQUISITION
PURCHASE

V DATE: 9/15/10	RNARD DELLUER BY DATE: 9/29/10	EXTEND COST VENDOR PART NUMBER	
STATUS: DIVISION APPROVAL REASON: WORKERS COMP AWARD	SUGGESTED VENDOR: TABITHA NATION & GREG BARNARD	UNIT QUANTITY UOM COST	1.00 EA .11062.9200 1.
STATUS: DIV REQUISITION BY: DJOHNSON REQUISITION BY: DJOHNSON	SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VE	LINE NBR DESCRIPTION	1 WORKERS COMP AWARD NATION V. CON; WCC 2010-06033 A (RIGHT KNEE/ANKLE) CONTINORNY UPON COUNCIL APPROVAL ON 9-28-10; MAKE CHEK PAYABLE TO TABITHA NATION AND GREG BARNARD; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD; WORKER'S COMPENSATION

REQUISITION TOTAL: 11062.92

	\$ 100.00
ACCOUNT INPORMATION	PROJECT
ACCOUNT INPORMATION	/ Other Salary Orders/Settlements
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	LINE # ACCOUNT 1 01030024152131 Vother Salary Orders/Settlet
 	LINB #

REQUISITION IS IN THE CURRENT FISCAL YEAR.

11062.92 /

AMOUNT 11062.92

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO TABITHA NATION AND GREG BARN ARD_i RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000176460

REQUISITION BY: DJOHNSON	STATUS: DIVISION APPROVAL REASON: WORKERS COMP ADMIN/FUND	PPROVAI P ADMII	FOND		DATE:	9/15/10	
SHIP TO LOCATION: LEGAL DEPARTMENT	SUGGESTED VENDOR:		2267 WORKMANS COMPENSATION	NSATION	DELIVER BY DATE: 9/16/10	01/91/6	
		1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			!	
1 WORKERS COMP ADMIN TAX	1.00	EA	470.4900	470.49	2267		
NATION V. CON; WCC 2010-06033A (RIGHT KNEE/ANKLE) CONTINGENT UPON COUNCIL APPROVAL ON 9-28-10; SEPA	I KNEE/ANKLE) 9-28-10; SEPAR						
ATE CHECK; RETURN CHECK TO LEGAL.							
COMMODITY: INSURANCE, ALL TYPES				`	,		
SUBCOMMOD: MOKKEY S COMMODISTING							
		REQUIS	REQUISITION TOTAL:	470.49			

	100.00	
INFORMATION	PROJECT	
ACCOUNT	Other Salary Administration Fund	
,	ACCOUNT 01030024152133	
	LINE #	

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

	DATE:	DELIVER BY DATE:	1950
PURCHASE REQUISITION NER; DODOL76461	VAL ECIAL TAX	SUGGESTED VENDOR: V 1950 SPECIAL OCCUPATIONAL HEALTH AN	176.4300 176.43
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PURCHASE RE	STATUS: DI REASON: WOR	SUGGESTED V	A (RIGHT KNEE/ANKLE) OVAL ON 9-28-10; SEP ESAL. ION
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9/15/10 9/16/10

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176.43

REQUISITION TOTAL:

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARTE CHECK; RETURN CHECK TO LEGAL.

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NBR:
REQUISITION
PURCHASE

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REQUISITION IS IN THE CURRENT FISCAL YEAR.

75.00

100.00

ACCOUNT INFORMATION

PROJECT

Miscellaneous Services Other Filing Fees

LINE # ACCOUNT V

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

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1 WORKERS COMP CLEVELAND COUNTY FILING FEE NATION V. COM; WCC 2010-06033 A (RIGHT KNEE/ANKLE) , CONTINGENT UPON COUNCIL APPROVAL ON 9-28-10; SEP ARATE CHECK, RETURN CHECK TO LEGAL. COMMODITY: INSURANCE; ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 (BE/ANKLE) 18-10; SEP	٧a	118.0000	118.00	한 명 ·	
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REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 31

Text File Number: R-1011-36

Introduced: 9/14/2010 by Angelo Lombardo, Traffic Engineer

Version: 1

Current Status: Consent Item

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-36: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DOWNTOWN MAIN STREET IMPROVEMENT (WEST END) AND LEGACY TRAIL EXTENSION ALONG 24TH AVENUE N.W. AND 36TH AVENUE N.W. MULTIMODAL PATH PROJECTS FOR FEDERAL SURFACE TRANSPORTATION ENHANCEMENT PROGRAM FUNDS AND PRIORITIZING THESE PROJECTS.

ACTION NEEDED:	Motion to adopt or reject Resolution No. R-1011-36.
ACTION TAKEN: _	

Body

<u>BACKGROUND</u>: The 2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates Federal funds for the implementation of eligible transportation enhancement projects in the state of Oklahoma.

The way neighborhoods and communities are designed and built directly impacts quality of life. For many years, the transportation community has focused on interstate systems and highways that offered efficient movement of goods and services, as well as unprecedented mobility benefits for the public. Growing concerns about air quality, open space, and traffic congestion led Congress to create several programs through legislation in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). These programs broaden the federal focus on Transportation from building highways to funding projects tied to smarter planning requirements that help ensure communities are more livable. At the center of new focus about transportation, growth, and quality of life is the Transportation Enhancement Program.

With the passage of the Transportation Equity Act for the 21st Century (TEA-21), and its successor, the Safe, Efficient, Flexible, Effective Transportation Equity Act: a Legacy for the User (SAFETEALU), Congress continues to reaffirm its commitment to the original concepts established under ISTEA. Like its predecessors, the new legislation continues to provide a catalyst for stimulating activities which go beyond traditional transportation projects.

Transportation Enhancements (TE) activities offer communities funding opportunities to help expand transportation choices, such as safe bicycle and pedestrian facilities, scenic

routes, beautification, and other investments that increase recreation opportunity and access. Communities may also use TE funds to contribute toward the revitalization of local and regional economies by restoring historic buildings, renovating streetscapes, or providing transportation museums and visitors centers.

Transportation Enhancements (TE) are 12 different community focused activities defined in SAFETEA-LU. The 12 activities are:

- 1. Pedestrian and Bicycle Facilities
- 2. Pedestrian and Bicycle Safety and Education Activities
- 3. Acquisition of Scenic or Historic Easements and Sites
- 4. Scenic or Historic Highway Programs, Including Tourist and Welcome Centers
- 5. Landscaping and Scenic Beautification
- 6. Historic Preservation
- 7. Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities
- 8. Preservation of Abandoned Railway Corridors
- 9. Control and Removal of Outdoor Advertising
- 10. Archaeological Planning and Research
- 11. Mitigation of Highway Runoff and Provision of Wildlife Connectivity
- 12. Establishment of Transportation Museums

The basic Federal eligibility requirements for TE projects are that they be one of the 12 defined activities, and be related to surface transportation.

Federal funds available under the Enhancement Program may be used for a maximum of eighty percent (80%) of the eligible project costs, capped at \$600,000 per project. Successful applicants must agree to provide a minimum of twenty percent (20%) of the total project costs. Project proposals will be accepted from Federal and State Agencies, along with Tribal, County, and Local Governments

On August 26, 2010, Council's Transportation Committee was briefed on the program and upcoming application cycle, and recommended that the following two projects be pursued:

- 1. Downtown Main Street Improvement Project (West End) from University Boulevard to James Garner Avenue, which consists of streetscape, cobblestone paving bands, street furniture, decorative lighting upgrade, stamp and colored asphalt, sidewalks and accessible ramps.
- 2. Legacy Trail Extension along 24th Avenue NW and 36th Avenue NW, which consists of a ten-foot wide paved path for pedestrians and bicyclists that will ultimately connect the Downtown area and University of Oklahoma Main Campus to the Ruby Grant Park in NW Norman.

During the same meeting, the committee also recommended that the Downtown Main Street project be submitted as the City's first priority.

On September 7, 2010, City Council met in Study Session and accepted the recommendations of the Transportation Committee, directing staff to proceed with the formal application process. During this meeting, staff was asked to obtain ODOT's input relative to the Main Street project application, which had been previously submitted as part of the last two application cycles. The intent of the meeting was to identify issues affecting project eligibility that Council may want to consider in the establishment of local priorities.

<u>DISCUSSION</u>: A pre-requisite for project consideration is that local governments include with the application a resolution affirming support for the project(s). Resolution R-1011-36 articulates the City's desire to pursue the Downtown Main Street Improvement (West End) and Legacy Trail Extension (along 24th Avenue NW and 36th Avenue NW) projects as part of the 2011 application cycle. The resolution also establishes the Downtown Main Street Improvement project as the City's top priority.

Staff met with ODOT on September 17, 2010 to go over the previous application and comments of the project selection committee as they relate to the Main Street project. This discussion did not reveal any "red flag" that hinders the chance of project selection and in fact showed that the previously submitted application was ranked very favorably by the committee and almost made the funding cut. Re-application as the City's top priority during the current funding cycle was encouraged and is welcomed.

The project pre-application deadline is October 1, 2010. ODOT staff will review the applications and offer comments and suggestions for improvement during the following weeks. Final applications will be due on January 3, 2011. ODOT will make an announcement of the selected projects in June of 2011. Funding for approved projects will become available in Federal Fiscal Year 2012. If Norman's projects are approved, ODOT will request Council's approval of a project agreement in early spring of 2012. Upon execution, staff will be allowed to begin the process of selecting a consulting engineering firm for design of the project. Construction is anticipated to begin in the spring of 2013.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution No. R-1011-36 affirming support for the Downtown Main Street Improvement (West End) and Legacy Trail Extension (along 24th Avenue NW and 36th Avenue NW) projects.



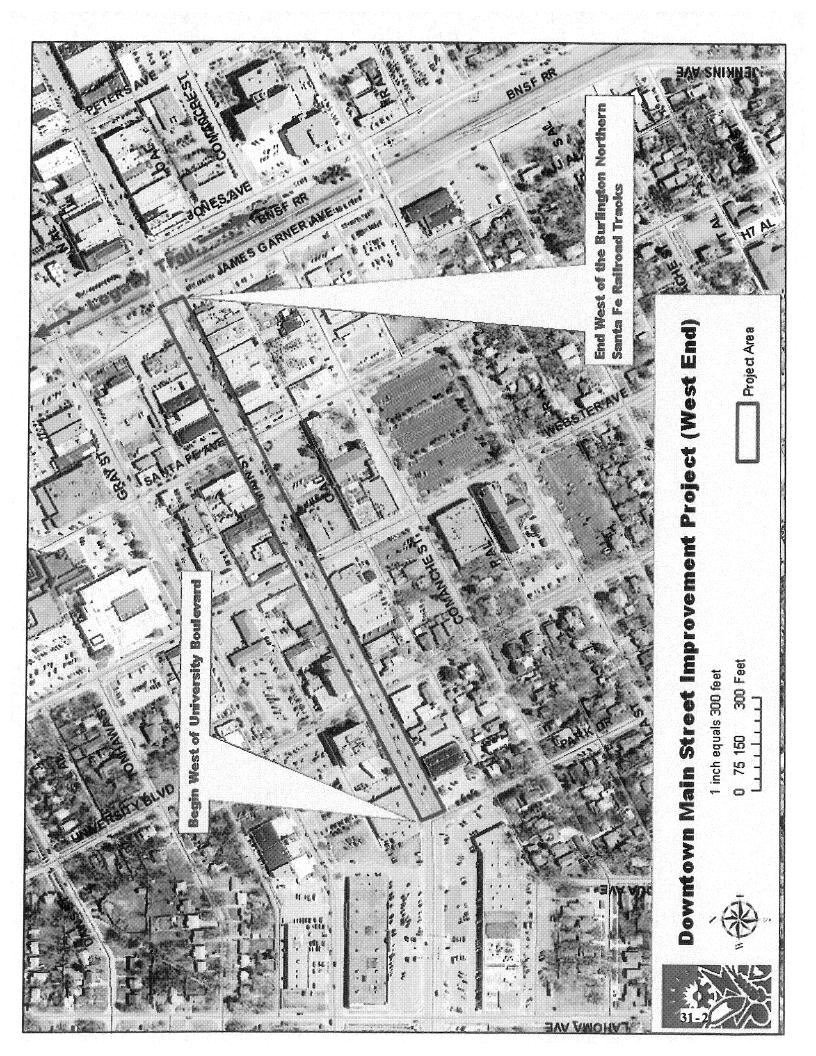
A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DOWNTOWN MAIN STREET IMPROVEMENT (WEST END) AND LEGACY TRAIL EXTENSION ALONG 24TH AVENUE NW AND 36TH AVENUE NW MULTIMODAL PATH PROJECTS FOR FEDERAL SURFACE TRANSPORTATION ENHANCEMENT PROGRAM FUNDS AND PRIORITIZING THESE PROJECTS

- § 1. WHEREAS, Federal funds for Transportation Enhancement activities are made available under the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for certain enhancement activities; and
- § 2. WHEREAS, the Oklahoma Department of Transportation is accepting applications to review and prioritize transportation enhancement funds throughout the state; and
- 3. WHEREAS, the City of Norman, a Municipal Corporation, desires to make applications for funding of the following two separate and worthy projects:
 - Downtown Main Street Improvement Project (West End) from Park Drive to James Garner Avenue, which consists of streetscape, cobblestone paving bands, street furniture, decorative lighting upgrade, stamp and colored asphalt, sidewalks and accessible ramps; and
 - Legacy Trail Extension Multimodal Path along 24th Avenue NW (from Robinson Street to Rock Creek Road) and 36th Avenue NW (from Rock Creek Road to Tecumseh Road), which consists of a ten-foot wide paved path for pedestrians and bicyclists that will connect Downtown Norman and the University of Oklahoma Main Campus with the northwest part of the City, and
- § 4. WHEREAS, the Oklahoma Department of Transportation requires that any local government requesting such funding provide a resolution of support.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 5. That the City of Norman, Oklahoma, has chosen the Downtown Main Street Improvement Project (West End) from Park Drive to James Garner Avenue as its first priority, and the Legacy Trail Extension Multimodal Path along 24th Avenue NW (from Robinson Street to Rock Creek Road) and 36th Avenue NW (from Rock Creek Road to Tecumseh Road) as its second priority; and
- § 6. That based upon these priorities, the City Council supports and desires these projects and directs Staff to submit applications for funding to the Oklahoma Department of Transportation for the above described projects.

PASSED AND ADOPTED THIS		day of	, 2010.
ASTION BOICE	ATTEST:	Mayor	
D. ARLES	City Clerk		







0 435 870

1,740 Feet

Existing Trail
Proposed Trail
Trail under Construction

31-3

CITY COUNCIL STUDY SESSION MINUTES

September 7, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:35 p.m. in the Municipal Building Conference Room on the 7th day of September, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Atkins, Butler Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT:

None

DISCUSSION REGARDING TRANSPORTATION ENHANCEMENT PROGRAM PROJECT OPTIONS TO BE SUBMITTED TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION.

Every two years the Oklahoma Department of Transportation (ODOT) invites communities to apply for Transportation Enhancements Program (TEP) funds and this presentation explains the purpose and history of a TEP recommended by the City. Mr. Angelo Lombardo, Traffic Engineer, said Staff, the Council Transportation Committee (CTC), and the Bicycle Advisory Committee (BAC) have discussed several possible TEP projects. The four recommended projects, in priority order, include:

- 1. Downtown Main Streetscape (West End University Boulevard to the railroad tracks)
- 2. Legacy Trail Extension 24th Avenue N.W. (Robinson Street to Rock Creek Road) and 36th Avenue N.W. (Rock Creek Road to Tecumseh Road)
- 3. State Highway 9 Bicycle Path Project, Phase 2
- 4. Porter Avenue Streetscape

Mr. Lombardo said the scope of a TEP is very specific, goes beyond traditional transportation projects, and relates to intermodal transportation systems by function, proximity, or impact. He said a TEP must meet one or more of the following enhancement categories:

- Pedestrian and Bicycle Facilities;
- Pedestrian and Bicycle Safety and Education Activities;
- Acquisition of Scenic or Historic Easements and Sites;
- Scenic or Historic Highway Programs;

- Landscaping and Scenic Beautification:
- Historic Preservation; Control/Removal of Outdoor Advertising;
- Rehabilitation and Operation of Historic Transportation Buildings;
- Preservation of Abandoned Railway Corridors;

- Archaeological Planning and Research;
- Mitigation of Highway Runoff and Provision of Wildlife Connectivity; or
- Establishment of Transportation Museums.

Mr. Lombardo said the TEPs are funded at 80% maximum by the Safe, Efficient, Flexible, Effective Transportation Equity Act: a Legacy for the User (SAFETEA-LU) and the funds come through the Surface Transportation Program (STP). He said the TEPs are administered for the United States Department of Transportation by the Federal Highways Administrative (FHWA) and through the Special Projects Branch of ODOT at the state level. Approximately 10% of Oklahoma Federal Surface Transportation Program Funds are used for TEPs. He said the funding works on a cost reimbursement basis, i.e., if the City is given funding for one of these projects, the City bares the cost initially then ODOT will reimburse the City. The cap for Federal funding is limited to \$600,000 on TEPs and the applicant must agree to provide at least 20% matching funds.

City Council Study Session Minutes September 7, 2010 Page 2

The pre-application for a TEP is due by October 1, 2010, and, if accepted, a final application is due by January 3, 2011. Mr Lombardo said approved TEPs will be posted on ODOT's website by June 2011 and funds will be available October 2011.

Mr. Lombardo provided a history of City TEP requests and said, over the years, all were selected except for the Downtown Main Street Improvements Project - West (DMSIPW) submitted in FY0708 and FY0910:

Mr. Lombardo said the TEP process began with Staff providing a preliminary list of potential projects and the BAC ranked the potential multimodal trail projects in priority order to include: 36th Avenue NW Trail, 24th Avenue NW Trail, and SH 9 Phase 2 Trail. He said the CTC also recommended two projects at their scheduled meeting on August 26, 2010, and the Parks Board recently adopted the bike trail project priorities as recommended by the BAC on September 2, 2010. He said all recommendations were discussed and the requests were narrowed to the Downtown Main Street Improvement Project West (University Boulevard to railroad tracks) and Legacy Trail Extension – 24th Avenue NW (Robinson Street to Rock Creek Road) and 36th Avenue NW (Rock Creek Road to Tecumseh Road).

Mayor Rosenthal asked whether ODOT provided any feedback on why they did not select the DMSIPW in both the 4th and 5th cycles and Mr. Lombardo said the City has requested feedback, ODOT has not yet responded. He said the City will have ODOT comments by the time Staff submits a TEP application. Mr. Lombardo said part of the funding strategy has been to try to capture other federal funds to make all the improvements needed for the DMSIPW. He felt ODOT had not looked favorably on this approach because they are looking for a financial commitment to fund the project as a stand alone project. He said the City will structure the current cycle application a little differently in terms of how the project is divided and scope of work while still trying to obtain additional federal funding.

Mr. Lombardo pointed out that the City does have a history of getting more than one project approved although the City only received funding for one project after submitting two in the 4th and 5th cycles. He said the City of Oklahoma City (OKC) received approval for three projects in the last cycle and pointed out that OKC overmatched their requests, in some cases as close as fifty percent of the cost.

Mr. Lombardo said the TEP for the DMSIPW proposes new sidewalks; curb and gutter; landscaping; cobblestone paving band; street furniture; decorative lighting upgrade; stamped and colored asphalt; and American with Disabilities Act (ADA) ramps that will match the work accomplished in the DMSIP – East project.

The estimated cost for the total project using TEP and STP-UZA funding will be approximately \$1,700,000. Mr. Lombardo said the estimated cost of the TEP project is \$1,042,622 and the 20% local match must be a minimum of \$150,000. He said the City currently has \$442,622, or 46.3% of the project cost included in the capital budget. Mr. Lombardo felt ODOT would look favorably at this local match. He said the final breakdown for the DMSIPW funding scenario would be a total cost of \$1,695,622; maximum Federal TEP Funds in the amount of \$600,000; Federal STP-UZA Funds for the lighting in the amount of \$590,622; local match (CIP Fund 50) in the amount of \$442,622; and the Downtown Merchants could fund the remaining \$75,000. He said discussions have occurred with the Downtown Merchants but have not yet formalized a public/private partnership for the \$75,000 funding. Mr. Lombardo said if all funding is approved, the funding splits for the enhancement portion of the DMSIPW project are 53.7% Federal/\$46.3% Local and the lighting and signal connect portion will be 100% Federal funding from Association of Central Oklahoma Governments (ACOG) STP-UZA.

The second proposed project is the Legacy Trail Extension (LTE) along 24th Avenue NW, from Robinson Street to Rock Creek Road and 36th Avenue NW, from Rock Creek Road to Tecumseh Road. This project extends Legacy Trail to Tecumseh Road including several gaps in segments along 24th Avenue NW and 36th Avenue NW and will connect the Rock Creek Road trail being constructed with the I-35 overpass. Ten foot wide multimodal paths are being constructed on both sides of the road and the bridge, the first location in Norman where pedestrians and/or bicycles can safely cross I-35.

City Council Study Session Minutes September 7, 2010 Page 3

Mr. Lombardo said the LTE will provide multimodal access to Norman Regional Healthplex and eventually to All Saints Catholic School and Ruby Grant Park. He said along with the Rock Creek Road Trail currently under construction, the LTE will provide multimodal access between Downtown Norman and Norman Regional Hospital Healthplex.

The total project cost of the LTE is estimated to be \$750,000 with a 20% match minimum at \$150,000. Mr. Lombardo said potential funding sources for the LTE TEP are \$71,000 from the University North Park Tax Increment Finance District (UNPTIF) for work along 24th Avenue NW; \$60,000 Bike Improvement Project Balance; \$10,000 from Truman School Zone balance; and \$9,000 from the Traffic Calming Program balance.

Mr. Lombardo requested input from Council on the number of TEP applications to be submitted to ODOT and assistance with a list of project priorities as required by ODOT. Councilmember Ezzell felt the City needed to obtain ODOT feedback on the DMSIPW, specifically why the project has been rejected twice, before the TEP applications could be effectively prioritized and said he did like the enhancement on the multimodal transportation. Mr. Lombardo said the City went through the same process last time and submitted two projects, prioritizing the Highway 9 Project over the DMSIPW, which may have played into ODOT's decision. Mayor Rosenthal asked if this DMSIPW proposal had a larger match than previous applications and Mr. Lombardo said yes. Councilmember Quinn said if the City matched more than 20%, it may carry more weight with ODOT's decision and felt the downtown Main Street project needed to be completed. Mr. Lombardo said the City has requested additional information from ODOT to help shed light on why the DMSIPW has been rejected.

Mayor Rosenthal requested Staff continue to explore reasons from ODOT on previous applications and agreed with Councilmember Quinn that the project needed to be completed.

Councilmember Kovach asked if the City should have a "Plan B" in order to submit additional TEPs in case ODOT's feedback indicated the DMSIPW would again not be funded. He said he liked the idea of submitting enough projects in order to have at least two TEPs approved and suggested submitting sidewalk projects around schools. Councilmember Ezzell questioned whether sidewalk projects would be considered "enhancement" projects. Mr. Shawn O'Leary, Director of Public Works, said those projects tend to be ten foot wide bicycle trails rather than the standard five foot sidewalks at schools. Mayor Rosenthal said ODOT may not be able to give a definitive answer on the DMSIPW but any feedback will assist in prioritizing TEPs and felt it would be a mistake if the City eliminated the DMSIPW TEP application. Mr. Lombardo said the DMSIPW can be initially submitted as the number one TEP priority and after ODOT reviews the TEP applications, they can inform the City the likelihood of awarding funding for each request. He said if ODOT feels one TEP project is superior to another then perhaps the City can reprioritize TEP projects at that time.

Mayor Rosenthal said there appears to be a consensus of Council to move forward with the two TEP projects presented. She said if flexibility allows, Staff could change the TEP priority order should something come up during the pre-application process. Mr. O'Leary said Staff will do their best to gather additional input prior to Council's consideration on September 28, 2010. He said Staff will need a couple of weeks to package the TEP projects in a formal application and submit a Resolution adopting and prioritizing the TEPs for Council's consideration on September 28, 2010, in order to meet the October 1, 2010, submittal date. He said submittal of the final application will occur on January 3, 2011.

Items submitted for the record

1. PowerPoint presentation entitled "City of Norman and Oklahoma Department of Transportation - Transportation Enhancement Program 11th Biennial Application Cycle," dated September 7, 2010



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 32

Text File Number: P-1011-3

Introduced: 8/24/2010 by Carol Coles, Administrative Asst

Version: 1

Matter Type: Proclamation

Title

<u>PROCLAMATION NO. P-1011-3</u>: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF OCTOBER, 2010, AS GAY, LESBIAN, BISEXUAL, AND TRANSGENDER HISTORY MONTH IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-3 proclaiming the month of October, 2010, as Gay, Lesbian, Bisexual, and Transgender History Month in the City of Norman and direct the filing thereof.

ACTION TAKEN:	



DATE:

September 21, 2010

TO:

The Honorable Mayor and Council

FROM:

The Norman Human Rights Commission

SUBJECT:

Agenda Item - Gay, Lesbian, Bisexual, and

Transgendered History Month Proclamation

Background: The Norman Human Rights Commission is charged with studying problems of discrimination in any or all fields of human relations and to encourage fair treatment and mutual understanding among all citizens. The Commission is also tasked with making recommendations to the City Council for action it deems necessary to the furtherance of equality and human rights.

<u>Discussion:</u> Previously, the Commission has requested of Council similar proclamations (September 2009 as Hispanic History Month and January 2010 as Black History Month). The Commission has spent several months researching and compiling information for a proclamation regarding the history of gay, lesbian, bisexual and transgendered individuals. This effort has resulted in the attached proclamation. A copy of the minutes of the Human Rights Commission of August 23, 2010, reflecting approval of said proclamation is attached.

Recommendation: The Norman Human Rights Commission respectfully recommends that City Council proclaim October 2010 as Gay, Lesbian, Bisexual, and Transgendered History Month in the City of Norman.

Reviewed by: Steve Lewis, City Manager

P-1011-3

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF OCTOBER, 2010, AS GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED HISTORY MONTH IN THE CITY OF NORMAN.

- § 1. WHEREAS, the month of October was first recognized in 1995 as Lesbian and Gay History Month by several state Governors and Mayors to provide education about and recognize the contributions of gay and lesbian citizens throughout our Nation's history; and
- 2. WHEREAS, the celebration of history in the United States is a time-honored tradition to recognize the § achievements of different individuals and groups who have made positive but sometimes unrecognized contributions to our country's history and cultural greatness; and
- WHEREAS, a number of groups in Oklahoma promote understanding, acceptance, and equality for 3. Gay, Lesbian, Bisexual, and Transgender (GLBT) individuals, including Cimarron Alliance Foundation, and chapters of Parents, Families and Friends of Lesbians and Gays (PFLAG) in Oklahoma City, Tulsa, Stillwater, Enid, Muskogee, and Norman; and
- WHEREAS, Norman's History includes a five-year struggle in the late 1970's that was eventually § 4. resolved by the Oklahoma Supreme Court in 1981 and resulting in the University of Oklahoma recognizing the Gay Activist Alliance as an official student organization, leading to the establishment of and contributions to community and University life of the current OU Gay, Lesbian, Bisexual, Transgender and Friends (GLBTF) and Gay-Straight Alliances at both Norman High School and Norman North High School, who model treating all people equally without regard to sexual orientation; and
- WHEREAS, the City of Norman benefits from the many GLBT citizens who own businesses within 5. § the City and who contribute to our community through the arts, education, science, politics, faith, health care, public service, and all others walks of life; and
- WHEREAS, the City of Norman's commitment to inclusiveness and mutual respect dictates that all 6. young people should feel safe to learn without the fear of harassment, and all individuals, families and seniors should be allowed to live their lives with dignity and respect; and

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

Do hereby proclaim the month of October, 2010, as Gay, Lesbian, Bisexual, and Transgendered History § 7. Month in the City of Norman.

PASSED A	ND APPROVED this 28th day	y of September, 2010.	
JUNION EDICA	ATTEST:	Mayor	
ON MALES	City Clerk		
HEALTH			22.2

NORMAN HUMAN RIGHTS COMMISSION MINUTES

August 23, 2010

The Norman Human Rights Commission of the City of Norman, Cleveland County, State of Oklahoma, met in the Study Session Room located at 201 W. Gray Street on August 23, 2010, at 5:30 p.m., and notice and agenda of the meeting were duly posted 24 hours prior to the beginning of the meeting.

PRESENT:

Chair Mike Ridgeway, Commissioners Jose Dela Cruz,

Charlotte Gordon, Kay Ham, Lisa Schmidt, Teresa Turner

and Clint Williams

ABSENT:

Commissioner Mary Drywater and Robert Ruiz

STAFF PRESENT:

Carol Coles

OTHERS PRESENT:

Rebecca Frazier, Assistant City Attorney

Jeff Bryant, City Attorney

Gala Hicks, Human Resources Director Laura Belmonte, The Equality Network

Mary Francis, Unitarian Universalist Community Church

John and Bette Maffuci

Will Weir

* * * * *

Item 2, being:

APPROVAL OF THE AGENDA OF THE AUGUST 23, 2010, MEETING.

Commissioner Schmidt moved to approve the agenda of the August 23, 2010, meeting of the Norman Human Rights Commission, which motion was duly seconded by Commissioner Ham, and the question being approving the agenda of the August 23, 2010, meeting of the Norman Human Rights Commission, a vote was taken with the following result:

YEAS:

Commissioners Ridgeway, Dela Cruz, Gordon, Ham, Schmidt,

Turner and Williams

NAYES:

None

The Chair declared the motion carried; and the agenda of the August 23, 2010, meeting of the Noman Human Rights Commission was approved.

* * * * *

Norman Human Rights Commission August 23, 2010 Page 2

Item 3, being:

APPROVAL OF THE MINUTES OF THE JULY 26, 2010, NORMAN HUMAN RIGHTS COMMISSION MEETING.

Commissioner Dela Cruz moved that the amended minutes of the July 26, 2010, Human Rights Commission meeting be approved, which motion was duly seconded by Commissioner Williams;

Items submitted for the record

1. Norman Human Rights Commission amended minutes of July 26, 2010

and the question being upon approving the amended minutes of the July 26, 2010 meeting, a vote was taken with the following result:

YEAS:

Commissioners Ridgeway, Dela Cruz, Gordon, Ham, Schmidt,

Turner and Williams

NAYES:

None

The Chair declared the motion carried; and the amended minutes of the July 26, 2010, meeting were approved.

* * * * *

Item 4, being:

CONTINUED DISCUSSION OF SEXUAL ORIENTATION AND GENDER IDENTITY.

Chair Ridgeway recognized Mary Francis in the audience who referenced a letter from the Unitarian Universalist Community Church that had been emailed to Commissioners.

Gala Hicks, Director of Human Resources discussed the consideration of the addition of sexual orientation in City of Norman anti-discrimination polices through a Power Point presentation.

The Commission then discussed the GLBT History Month Proclamation.

Commissioner Ham moved that the proposed Gay, Lesbian, Bisexual or Transgender (GLBT) History proclamation be accepted and forwarded to City Council for their consideration on September 28, 2010, which motion was duly seconded by Commissioner Schmidt; and the question being upon accepting the proposed Gay, Lesbian, Bisexual or Transgender (GLBT) History proclamation and forwarding it to City Council for their consideration on September 28, 2010, a vote was taken with the following result:

Norman Human Rights Commission August 23, 2010 Page 3

YEAS:

Commissioners Ridgeway, Dela Cruz, Gordon, Ham, Schmidt,

Turner and Williams

NAYES:

None

The Chair declared the motion carried; and the proposed Gay, Lesbian, Bisexual or Transgender (GLBT) History proclamation will be forwarded to City Council for their consideration on September 28, 2010.

Laura Belmonte with the Equality Network joined the discussion. She reports that Tulsa is the first large city in Oklahoma to include sexual orientation in their personnel policy as a protected class. She said that there are over 200 municipalities in the United States that have sexual orientation as a non-discrimination class in their personnel policies and about 120 have gender identity in their policies. About 90% of those cities have added sexual orientation to their harassment policies.

Commissioner Del Cruz asked about the cost and time that the City might expend in negotiating with the three unions regarding adding sexual orientation as a protected class in their union contracts. He asked if the City ever asked about issues that were going to be negotiated beforehand in order to get a feel for what direction the unions might be leaning.

City Attorney Jeff Bryant said that the City does that on some of the issues that they are considering introducing into negotiations.

Ms. Belmonte said that she would research whether some of the national union organizations have included sexual orientation in their policies.

The Commission will continue this discussion on September 20, 2010.

* * * * *

Item 5, being:

CONTINUED DISCUSSION OF LAND RUN ACTIVITIES.

The Commission would like to send a letter to Dr. Siano requesting additional information on the committee that has been formed to address this issue.

* * * * *

Item 6, being:

MISCELLANEOUS DISCUSSION.

No discussion.

* * * * *

Norman Human Rights Commission August 23, 2010 Page 4

Item 7 being:

1

ADJOURNMENT.

Commissioner Williams moved that the August 23, 2010, meeting of the Norman Human Rights Commission be adjourned, which motion was duly seconded by Commissioner Gordon; and the question being upon adjourning the August 23, 2010, meeting of the Norman Human Rights Commission, a vote was taken with the following result:

YEAS:

Commissioners Ridgeway, Dela Cruz, Gordon, Ham, Schmidt, Turner and Williams

NAYES:

None

The Chair declared the motion carried; and the August 23, 2010, meeting of the Norman Human Rights Commission was adjourned at 7:00 p.m.

* * * * *



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 33

Text File Number: K-1011-78

Introduced: 9/14/2010 by Jim Spearman, Grants Specialist Current Status: Non-Consent Items

Version: 1 Matter Type: Contract

Title

PUBLIC HEARING REGARDING THE ACCEPTANCE OF A COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT IN THE AMOUNT OF \$250,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO BE USED TO UPGRADE THE EMERGENCY COMMUNICATIONS CENTER COMPUTER AIDED DISPATCH (CAD) SYSTEM, APPROVAL OF CONTRACT NO. K-1011-78, AND BUDGET RE-APPROPRIATION AND APPROPRIATION.

ACTION NEEDED: Motion to conduct a public hearing.
ACTION TAKEN:
ACTION NEEDED: Motion to close the public hearing.
ACTION TAKEN:
ACTION NEEDED: Motion to accept or reject a COPS grant in the amount of \$250,000 from the United States Department of Justice to be used to upgrade the Emergency Communications Center CAD System for the Police Department; and if accepted, approve Contract No. K-1011-78; authorize the execution thereof; increase Other Revenue/COPS Grant (022-0000-331.13-14) by \$250,000, appropriate \$250,000 from the Special Grants Fund Balance (022-0000-253.20-00) into Project No. GP0013, COPS Grant, Telecommunications Equipment/Computer Software (022-6039-421.53-04) and matching funds of \$250,000 be re-appropriated from the General Fund Balance (010-0000-253-20-00) to Telecommunications Equipment/Computer Software (024-6039-421.53-04) \$184,000, and City Business and Travel (024-6039-421.46-05) \$15,000.
ACTION TAKEN:

Body

BACKGROUND: Over the past 30 months the City of Norman has conferred with J.R. Reskovac of Capitol Decisions, and Congressman Tom Cole's office to secure funds to help upgrade the Norman Emergency Communications Center computer aided dispatch (CAD) system. On June 2, 2010, we received notification of eligibility for \$250,000 through a Community Oriented Policing Services (COPS) Law Enforcement Technology Program. We immediately began the application process and were notified that the award was approved on August 30, 2010.

<u>DESCRIPTION</u>: The award requires that the funds be used to upgrade the Emergency Communications Center Computer Aided Dispatch (CAD) System. The existing CAD

system is not fully capable of handling the number of calls for service received for the Norman Police, Fire, Emergency Medical Service (EMS), and Animal Welfare. The City of Norman Emergency Communications Center typically requires at least four communication officers to handle the number of calls for service. The current CAD system was designed for a one or two communication officer(s) environment. The City's communication officers cannot visually locate all of the in-progress calls and units that are actively working incidents. This can cause responder safety issues since calls and responders cannot be adequately checked on and quickly responded to during emergency situations. At least weekly, the CAD system has become overloaded to the point that it "locks up" or runs extremely slow. When this occurs, the City of Norman Information Systems Department must be called to restore the CAD system. The time to restore the system is 20 to 30 minutes. These issues can cause significant delays in response to emergency calls for service for medical, fire, and police incidents. These issues have been prevalent since the system was installed in 2001 and the software vendor has not been able to overcome the problems. With preliminary estimates, this funding, along with money budgeted and transferred from 2007, will be sufficient to upgrade the CAD software and hardware. The specific type of upgrade is dependant on the recommendation of a consultant. Replacement of the entire public safety software system, to include CAD, records management system (RMS), mobile clients and field reporting will be accomplished in phases as funding becomes available.

The COPS grant is 75 percent funded by the Federal government with a 25 percent minimum match from the City. The match amount of \$199,300 was originally funded during the FYE 07 budget year was re-appropriated to FYE 08 then again in FYE 09. Each year since FYE 07, the appropriated funds to match the COPS grant were returned to fund balance. The funds are requested to be re-appropriated to the FYE 11 budget year to serve as a match for the COPS grant. This award, when combined with the match amount and COPS 2009 award, makes the total amount available for the CAD system replacement \$599,300.

The total amount available for this project is sufficient to begin implementation based on the following timeline:

January 1, 2011 - Hire a consultant to recommend specific project needs

July 1, 2011 - Release a vendor request for proposal (RFP)

Early 2012 - Begin installation and implementation

A public hearing is required prior to disbursement of this award.

RECOMMENDATION:

1. Following the public hearing, it is recommended that Council accept the grant in the amount of \$250,000 and upon receipt, increase (account 022-0000-331-1314) Other Revenue/COPS Grant. Funds are requested to be appropriated from the Special Grant Fund Balance (022-0000-253.20-00) into and expended from the following account:

Telecommunication Equipment/Computer Software (account 022-6039-421.53-04 #GP0013) \$250,000

2. It is recommended that the Council appropriate funds in the amount of \$199,300 that were originally funded in FYE 2007 and re-appropriated in FYE 2008, FYE 2009, and FYE 2010 from the General Fund Balance (account 010-0000-253.20-00) and matching funds to be expended from the following accounts:

Telecommunications Equipment/Computer Software (account 024-6039-421.53-04) \$184,000

City Business and Travel (account 024-6039-421.46-05) \$15,300.



U.S. Department of Justice

Office of Community Oriented Policing Services (COPS)

Office of the Director 1100 Vermont Ave., NW Washington, DC 20530

September 3, 2010

Chief of Police Phil Cotten Norman City of 201 B West Gray Street Norman, OK 73069

Re: Technology Program Grant #2010CKWX0089

ORI#: OK01402

Dear Chief of Police Cotten:

Congratulations! On behalf of Attorney General Eric Holder, I am pleased to inform you that the COPS Office has approved your agency's request for funding in the amount of \$250,000 under the COPS Technology Program. Enclosed in this packet is your grant award. The award document must be signed and returned to the COPS Office within 90 days from the date of this letter to officially accept your grant. Beginning on the reverse side of the grant award is a list of conditions that apply to your grant. You should read and familiarize yourself with these conditions. In addition, your Grant Owner's Manual and other important information to assist you with the implementation of your award are available online at http://www.cops.usdoj.gov/Default.asp?Item=2431.

The official start date of your grant is December 16, 2009. Therefore, you can be reimbursed for approved expenditures made on or after this date. Please carefully review the Financial Clearance Memorandum included in your award package to determine your approved budget, as some of your requested items may not have been approved by the COPS Office during the budget review process, and grant funds may only be used for approved items. Also, please be aware that any vendor or contractor who participated in drafting your grant application may not receive federal funding for any procurement under this award.

Once again, congratulations on your Technology Program award. If you have any questions about your grant, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at 1.800.421.6770.

Sincerely,

Bernard K. Melekian

Director



U. S. Department of Justice

Community Oriented Policing Services

Grants Administration Division Law Enforcement Technology

1100 Vermont Avenue, NW Washington, DC 20530

Memorandum

To:

Chief of Police Phil Cotten

Norman City of

From: Andrew A. Dorr, Assistant Director for Grants Administration

Lydia Nylander, Grant Program Specialist

Budget Prepared By: Lydia Nylander, Grant Program Specialist

Re: Law Enforcement Technology Financial Clearance Memo

A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and

consistent with existing guidelines. Exceptions / Adjustments are noted below.

OJP Vendor #: 736005350

ORI#: OK01402

DUNS#: 009072427

Grant #: 2010CKWX0089

Budget Category Other	<u>Proposed Budget</u> \$250,000.00	Approved Budget \$250,000.00	Adjustments \$0.00	<u>Disallowed/Adjusted - Reasons/Comments</u>
Direct Costs:	\$250,000.00	\$250,000.00	\$0.00	
Grand Total	\$250,000.00	\$250,000.00	\$0.00	
Grand Total:	Federal Share: Applicant Share:			

Cleared Date:

8/6/2010

Overall Comments:

All costs listed in this budget were programmatically approved based on the final Budget Detail Worksheets submitted by your agency to the COPS Office. Maintenance agreements (if applicable) must be purchased and paid in full within the three-year grant period. Prior to the obligation, expenditure or drawdown of grant funds for non-competitive contracts in excess of \$100,000, grantee must submit a sole source justification to the COPS Office for review and approval. Prior to the obligation, expenditure, or drawdown of grant funds for consultant fees in excess of \$550 per day when the consultant is hired through a noncompetitive bidding process, approval must be obtained from the COPS Office. If the vendor number on this form differs from the EIN number included in your application, then for administrative purposes only, we are assigning a different vendor number to your agency. The reason for this administrative change is that your original EIN number has been assigned to another agency. If this applies to your agency, please use the new vendor number on all financial documents related to this grant award. The vendor number should not be used for IRS purposes and only applies to this grant



U. S. Department of Justice Community Oriented Policing Services

Grants Administration Division

Law Enforcement Technology

Treasury Account Symbol (TAS) 15X0406

Grant	#:	20	l OC	K١	WΧ	(0089

Applicant Organization's Legal Name: Norman City of

OJP Vendor #: 736005350

DUNS#: 009072427

Law Enforcement Executive: Chief of Police Phil Cotten

Address: 201 B West Gray Street

City, State, Zip Code: Norman, OK 73069

Telephone: (405) 366-5201 Fax: (405) 366-5202

Government Executive: Mayor Cindy Rosenthal

Address: 903 Carey Drive

City, State, Zip Code: Norman, OK 73069

Telephone: (405) 366-5402

Fax:

Award:	Start	Date:
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12/16/2009

Award End Date: 12/15/2012

Award Amount:

\$ 250,000.00

AUG 3 0 2010 Date Bernard Melekian Director

By signing this Award Document, the grantee agrees to abide by all 20 Grant Terms and Conditions on the reverse side of this document and the attached pages:

Signature of Law Enforcement Official with the Authority to Accept this Grant Award

Phil Cotten, Chief of Police

Typed Name and Title of Law Enforcement

Official

Cindy Rosenthal, Mayor

Signature of Government Official with the Authority to Accept this Grant Award

Typed Name and Title of Government Official

Date

Date

'alse statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from articipating in federal grants or contracts, and/or any remedy available by law to the Federal Government.

Award ID: 96724

U.S. Department of Justice Office of Community Oriented Policing Services

2010 Technology Program Grant Terms and Conditions

By signing the Award Document to accept this Technology Program grant, your agency agrees to abide by the following grant conditions:

- 1. The grantee agrees to comply with the terms and conditions in the 2010 COPS Technology Program Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd, et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122) and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); representations made in the COPS Technology Program grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.
- 2. The grantee acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its Technology Program application.
- 3. The funding under this project is for the payment of approved costs for the continued development of technologies and automated systems to assist state, local, and tribal law enforcement agencies in investigating, responding to, and preventing crime. The allowable costs for which your agency's grant has been approved are limited to those listed on the Financial Clearance Memorandum, which is included in your agency's award package.

The Financial Clearance Memorandum specifies the costs that your agency is allowed to fund with your Technology grant. It also describes any costs which have been disallowed after review of your proposed budget. Your agency may not use Technology grant funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.

- 4. Travel costs for transportation, lodging and subsistence, and related items are allowable under the Technology Program with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. Part 225 (OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments), 2 C.F.R. Part 220 (OMB Circular A-21, Cost Principles for Educational Institutions), 2 C.F.R. Part 230 (OMB Circular A-122, Cost Principles for Non-Profit Organizations), and 48 C.F.R. Part 31.000, et seq. (FAR-31.2, Cost Principles for Commercial Organizations), as applicable.
- 5. When procuring information-sharing services, hardware, software, or other equipment, the grantee agrees to procure and implement those items in accordance with the applicable standards outlined in the terms and conditions of the Grant Owner's Manual.
- 6. State, local, and tribal governments must use Technology Program grant funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for grant purposes (hiring, training, purchases, and/or activities) during the grant period. In other words, grantees may not use COPS funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that would have been dedicated to the COPS-funded item(s) in the absence of the COPS grant.
- 7. Your agency may request an extension of the grant award period to receive additional time to implement your grant program. Such extensions do not provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. Extension requests must be received prior to the end date of the award. Any extension requests received after an award has expired will be approved only under very limited circumstances.
- 8. Occasionally, a change in an agency's fiscal or law enforcement situation necessitates a change in its Technology Program award. Grant modifications under the Technology Program are evaluated on a case-by-case basis. All modification requests involving the purchase of new budget items must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.
- 9. The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Technology Program. The grantee agrees to cooperate with the monitors and evaluators
- 10. To assist the COPS Office in the monitoring of your award, your agency will be responsible for submitting periodic programmatic progress reports and quarterly financial reports.
- 11. Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their grant conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of grant implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Grant monitoring activities conducted by the COPS Office include site visits, office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Technology grantee, you agree to cooperate with and respond to any requests for information pertaining to your grant.
- 12. All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).
- 13. Grantees using Technology Program funds to operate an interjurisdictional criminal intelligence system must comply with operating principles of 28 C.F.R. Part 23. The grantee acknowledges that it has completed, signed and submitted with its grant application the relevant Special Condition certifying its compliance with 28 C.F.R. Part 23.
- 14. Grantees who have been awarded funding for the procurement of an item (or group of items) or service in excess of \$100,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down grant funds for that item.
- 15. The grantee agrees to submit one copy of all reports and proposed publications resulting from this grant 20 days prior to public release. Any publications (including written, software, visual, or sound, but excluding press releases, newsletters, and issue analyses), whether published at the recipient's or government's expense, shall contain the following statement: "This project was supported by Grant #_ _____, awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues."
- 16. The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.
- 17. To facilitate communication among local and state governmental agencies regarding various information technology projects, the grantee agrees to notify the appropriate State Information Technology Point of Contact of the receipt of this grant award. For a list of State Information Technology Points of Contact, visit http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046.

U.S. Department of Justice Office of Community Oriented Policing Services 2010 Technology Program Grant Terms and Conditions

- 18. The grantee agrees to comply with 28 C.F.R. Part 61 (Procedures for Implementing the National Environmental Policy Act).
- 19. False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.
- 20. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the awarding agency determines that the recipient is a high-risk grantee (28 C.F.R. Parts 66 and 70).



CITY COUNCIL AGENDA **SEPTEMBER 28, 2010**

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 34

Text File Number: K-1011-79

Introduced: 9/3/2010 by Jim Spearman, Grants Specialist **Current Status:** Consent Item Version: 1 Matter Type: Contract

Title

PUBLIC HEARING REGARDING A GRANT IN THE AMOUNT OF \$36,560 TO THE CITIES OF NORMAN AND MOORE AND CLEVELAND COUNTY FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE (DOJ/BJA) THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM WITH NORMAN'S PORTION OF \$21,570 TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR TRAINING AND TO PURCHASE A PATROL BUREAU TRAILER, TRAFFIC BARRICADES, A PORTABLE DIGITAL VIDEO/AUDIO RECORDER, AND A CRASH DATA RECOVERY SOFTWARE UPDATE, APPROVAL OF CONTRACT NO. K-1011-79; AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to conduct a public hearing.
ACTION TAKEN:
ACTION NEEDED: Motion to close the public hearing.
ACTION TAKEN:
ACTION NEEDED: Motion to accept or reject a grant in the amount of \$36,560 from DOJ/BJA through the JAG Program to be used by the Police Department; and, if accepted, approve Contract No. K-1011-79; authorize the execution thereof; increase Other
Revenue/JAG Grant (022-0000-331.13-33) by \$36,560; appropriate \$6,700 into Project No. GP0012, Homeland Security FBI, Professional Services/Workshops and Seminars (022-
6017-421.46-04); \$3,000 to Service Equipment/Trailers (022-6017-421.50-10); \$1,670 to
Minor Equipment & Tools (022-6017-421.36-99), \$7,200 to Plant and Operating
Equipment/Cameras and Photographic (022-6017-421.51-09), and \$3,000 to
Telecommunication Equipment/Computer Software (022-6017-421.53-04); transfer
\$14,900 to Miscellaneous Pass-Thru Refunds (022-6017-421.47-54); and direct payment in
the amount of \$10,602 to the City of Moore and \$4,388 to the County of Cleveland upon

ACTION TAKEN:

receipt of invoices.

BACKGROUND: The U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) announced available grant funds to the Cities of Norman, Moore and Cleveland County in the amount of \$36,560. The grant guidelines require these entities to share the award based on a grantor formula that considers population and crime rate...

Norman's share of the grant will be \$21,570 with \$10,602 awarded to Moore and \$4,388 to Cleveland County. The City of Norman will submit the joint application and administer the grant since they will receive the majority of funds. The funding distribution is based on population and crime statistics as well as law enforcement data. A public hearing is required prior to the disbursement of this grant.

<u>DISCUSSION</u>: In compliance with grantor guidelines, it is the intention of the Norman Police Department to use their funds for the following: Training - \$6,700; Patrol Bureau trailer - \$3,000; Traffic barricades and cones - \$1,670; Portable digital video/audio recorder - \$7,200; and Crash data recovery software update - \$3,000

RECOMMENDATION:

Recommendation 1:

Following the public hearing, it is recommended the Council accept the grant funds in the amount of \$36,560 and deposit the funds into account 022-0000-331.13-33 JAG Grant Revenue. Funds should be appropriated into and expended from the following accounts:

Training (Workshops and Seminars) 022-6017-421.46-04 GP0012, amount \$6,700 Patrol Bureau trailer (Trailers) 022-6017-421.50-10 GP0012, amount \$3,000 Patrol Bureau barricades, cones, etc 022-6017-421.36-99 GP0012 \$1,670 Investigations Bureau video camera (Cameras) 022-6017-421.51-09 GP0012, amount \$7,200

Crash data recovery software update (computer software) 022-6017-421.53-04 GP0012, amount \$3,000

Recommendation 2:

It is recommended the City of Norman will transfer an amount not to exceed \$10,602 to the City of Moore and \$4,388 to the County of Cleveland on receipt of invoices from those entities. Funds should be appropriated into and expended from the following account:

City of Moore and Cleveland Co pass through (Misc. Pass-Thru Refunds) 022-6017-421.47-54 GP0012, amount \$14,990.



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 30, 2010

The Honorable Cindy Rosenthal City of Norman 210 W. Gray Norman, OK 73069-7108

Dear Mayor Rosenthal:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 10 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$36,560 for City of Norman.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Elizabeth White, Program Manager at (202) 305-1671; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Acting Director

James H. Burch II

Enclosures



Department of Justice

Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

August 30, 2010

The Honorable Cindy Rosenthal City of Norman 210 W. Gray Norman, OK 73069-7108

Dear Mayor Rosenthal:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at http://www.lep.gov.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at http://www.ojp.usdoj.gov/ocr/etfbo.htm.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements:(1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review within 60 days from the date of this letter. For assistance in developing an EEOP, please consult OCR's website at http://www.ojp.usdoj.gov/ocr/eeop.htm. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at http://www.ojp.usdoj.gov/ocr/eeop.htm.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at http://www.ojp.usdoj.gov/ocr/eeop.htm.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at http://www.ojp.usdoj.gov/ocr/.

Sincerely,

Michael L. Alston

Mund 2. alsp

Director

cc: Grant Manager Financial Analyst

Office	rtment of Justice e of Justice Programs eau of Justice Assi	istance	Grant	PAGE 1 OF 5			
1. RECIPIENT NAME AND A	ADDRESS (Including Zip C	ode)	4. AWARD NUMBER: 2010-DJ-BX-1234				
City of Norman 210 W. Gray Norman, OK 73069-7108			5. PROJECT PERIOD: FROM 10/01/2009 TO 09/30/2013 BUDGET PERIOD: FROM 10/01/2009 TO 09/30/2013				
		-	6. AWARD DATE 08/30/2010	7. ACTION			
1A. GRANTEE IRS/VENDOF 736005350	R NO.		8. SUPPLEMENT NUMBER 00	Initial .			
			9. PREVIOUS AWARD AMOUNT	\$ 0			
3. PROJECT TITLE FY 2010 Justice Assistance Gr	ant Program		10. AMOUNT OF THIS AWARD	\$ 36,560			
11 2010 145500 115500			11. TOTAL AWARD \$ 36,560				
ON THE ATTACHED PACE 13. STATUTORY AUTHORIT This project is supported und 15. METHOD OF PAYMENT GPRS	TY FOR GRANT der FY10 (BJA - JAG) 42 U	SC 3750, et seq.		,			
AGI	ENCY APPROVAL		GRANTEE ACCEPT	ANCE			
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL James H. Burch II Acting Director 18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICE Cindy Rosenthal Mayor							
17. SIGNATURE OF APPROV	VING OFFICIAL بر المسا		19. SIGNATURE OF AUTHORIZED RECIPIEN	T OFFICIAL 19A. DATE			
		AGENCY	USE ONLY				
	DIV.	POMS AMOUNT 36560	21. JDJUGT2451				

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



AWARD CONTINUATION SHEET Grant

PAGE 2 OF 5

PROJECT NUMBER

2010-DJ-BX-1234

AWARD DATE

08/30/2010

SPECIAL CONDITIONS

- The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
- 2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
- 3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
- 4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
- 5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General U.S. Department of Justice Investigations Division 950 Pennsylvania Avenue, N.W. Room 4706 Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

- Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any
 contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its
 subsidiaries, without the express prior written approval of OJP.
- 7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

OJP FORM 4000/2 (REV. 4-88)



AWARD CONTINUATION SHEET

Grant

PAGE 3 OF 5

PROJECT NUMBER

2010-DJ-BX-1234

AWARD DATE

08/30/2010

SPECIAL CONDITIONS

- 8. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit http://www.niem.gov/implementationguide.php.
- 9. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
- 10. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.
- 11. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
- 12. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
- 13. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046.
- 14. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
- 15. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.



AWARD CONTINUATION SHEET Grant

PAGE 4 OF 5

PROJECT NUMBER

2010-DJ-BX-1234

AWARD DATE

08/30/2010

SPECIAL CONDITIONS

16. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at http://www.ojp.usdoj.gov/BJA/resource/nepa.html, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

- 17. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
- 18. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

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AWARD CONTINUATION SHEET Grant

PAGE 5 OF 5

PROJECT NUMBER

2010-DJ-BX-1234

AWARD DATE

08/30/2010

SPECIAL CONDITIONS

- 19. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (https://grants.ojp.usdoj.gov). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
- 20. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
- 21. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
- 22. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Program Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
- 23. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From:

Orbin Terry, NEPA Coordinator

Subject:

Incorporates NEPA Compliance in Further Developmental Stages for City of

Norman

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see http://www.ojp.usdoj.gov/BJA/resource/nepa.html.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice Office of Justice Programs

Bureau of Justice Assistance

GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

Grant	

PROJECT NUMBER PAGE 1 OF 1

	2010-DJ-BX-1234		FAGE 1 OF 1
This project is supported under FY10 (BJA - JAG) 42 USC 3750, et seq.			
STAFF CONTACT (Name & telephone number)	2. PROJECT DIRECTOR (Name	, address & telep	phone number)
Elizabeth White (202) 305-1671	Jim Spearman Professional Standards Admini P.O. Box 370 Suite B Norman, OK 73070-0370 (405) 366-5215	strator	
3a. TITLE OF THE PROGRAM			DDE (SEE INSTRUCTIONS
FY 2010 Justice Assistance Grant Program		ON REVE	kse)
4. TITLE OF PROJECT FY 2010 Justice Assistance Grant Program	'		,
5. NAME & ADDRESS OF GRANTEE	6. NAME & ADRESS OF SUBG	RANTEE	
City of Norman 210 W. Gray Norman, OK 73069-7108			
7. PROGRAM PERIOD	8. BUDGET PERIOD		
FROM: 10/01/2009 TO: 09/30/2013	FROM: 10/01/2009	TO:	09/30/2013
9. AMOUNT OF AWARD	10. DATE OF AWARD		
\$ 36,560	08/30/2010		
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET	AMOUNT	
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET A	MOUNT	

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The disparate jurisdictions consisting of Cleveland County and the cities of Norman and Moore will utilize the JAG award in the amount of \$36,560 towards law enforcement initiatives. The city of Norman, serving as the fiscal agent, will use \$21,570 to train a polygrapher for the Norman Police Department and to purchase

OJP FORM 4000/2 (REV. 4-88)

equipment. A patrol trailer and barricades will be purchased in order to eliminate the long delays encountered by the Norman Polic rely on other agencies to deploy traffic control equipment. The department will also purchase a portable video camera to replace th unreliable, equipment used to record evidence at major crime scenes. Crash data recovery software will be purchased by the Norma recover data from systems installed in late model vehicles. The city of Moore, through the police department, will use \$10,602 to p	e current, and frequently an Police Department in order to ourchase laptop connectivity
software and a portable video camera for use in criminal investigations. Cleveland County will use \$4,388 to purchase a prisoner end safely extract unruly prisoners from cells.	xtraction kit, which is necessary
NCA/NCF	
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INTERLOCAL AGREEMENT

Between The Cities of Moore and Norman, and the County of Cleveland Oklahoma

2009 Justice Assistance Grant (JAG) Program Award Application 2010 –H6930-OK-DJ

This Agreement is made and entered into this **g** day of June, 2010, by and between the Cities of Moore and Norman, and the County of Cleveland by and through the County Commission, State of Oklahoma.

WHEREAS, each governing body finds that the performance of the Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the City of Norman will apply for and administer the JAG award: and

WHEREAS, funds in the amount of \$36,560 will be as distributed as follows: The City of Norman receives \$21,570, The City of Moore receives \$10,602, and The County of Cleveland receives \$4,388.

NOW THEREFORE, the cities of Norman and Moore and the County of Cleveland agree as follows:

Section 1.

All entities agree to expend their allocation of funds in accordance with the budget detail work sheet submitted by the individual agency.

Section 2.

Payments to the City of Moore and the County of Cleveland will be made after the entities submit an invoice for the award amount.

Section 3.

The City of Moore and County of Cleveland will report project accomplishments to the City of Norman when requested.

Section 4.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further this Agreement shall not create any rights in any party not a signatory hereto.

Section 6.

This Interlocal Agreement is not binding unless the 2010 Justice Assistance Grant (JAG) is awarded.

Rod Cleveland

Cleveland County Commissioner

Rusty Sullivan Cleveland County Commissioner

George Skinner

Cleveland County Commissioner

ATTEST:

Tammy Howard

Cleveland County Clerk

Stephen O. Eddy City of Moore City Manager

ATTEST:

Randy Brink

City of Moore City Attorney

Cindy Rosenthal City of Norman Mayor

ATTEST:

Jeff H. Bryant City of Norman City Attorney



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 35

Text File Number: ZO-1011-3

Introduced: 7/13/2010 by Doug Koscinski, Principal Planner

Version: 1

Current Status: Non-Consent Items

Matter Type: Zoning Ordinance

Title

ORDINANCE NO. ZO-1011-3: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY EASEMENT LOCATED ALONG THE WEST BOUNDARY OF LOT 4, BLOCK 3, CARRINGTON PLACE ADDITION, SECTION 8, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA. (4537 BELLINGHAM LANE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. ZO-1011-3 upon Second Reading section by section.

ACTION TAKEN: _								
ACTION NEEDED: Reading as a whole.	Motion to	adopt	or reject	Ordinance	No. Z	CO-1011-3	upon Fi	nal
ACTION TAKEN: _						,		

Body

<u>BACKGROUND</u>: While there is an administrative procedure that can be utilized to eliminate or move an existing lot line, that action has no effect on any platted easement, as such action requires the concurrence of all of the franchised utility companies who have rights to that easement. The agent for the lot owner has submitted a request to close, and ultimately vacate, a platted five-foot utility easement that lies between lots 3 and 4 of Carrington Place Addition, Section 8. Once that easement is eliminated, the owner can proceed with an administrative Lot Line Adjustment.

<u>DISCUSSION</u>: OG&E is the only franchised utility with facilities in this easement, and has no objection to relocating their line as long as a new easement is granted that meets their needs.

RECOMMENDATION: This item was originally to be considered August 12, 2010, but Planning Commission did not have a quorum so that meeting was cancelled. At a special meeting held on August 26, 2010, the Planning Commission unanimously supported this request, and recommended approval of the ordinance which would close the easement. There are no City facilities within this five-foot easement. Staff recommends approval of this request, and submits this item for City Council consideration.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A UTILITY EASEMENT LOCATED ALONG THE WEST BOUNDARY OF LOT 4, BLOCK 3, CARRINGTON PLACE ADDITION, SECTION 8, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (4537 BELLINGHAM LANE)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA;

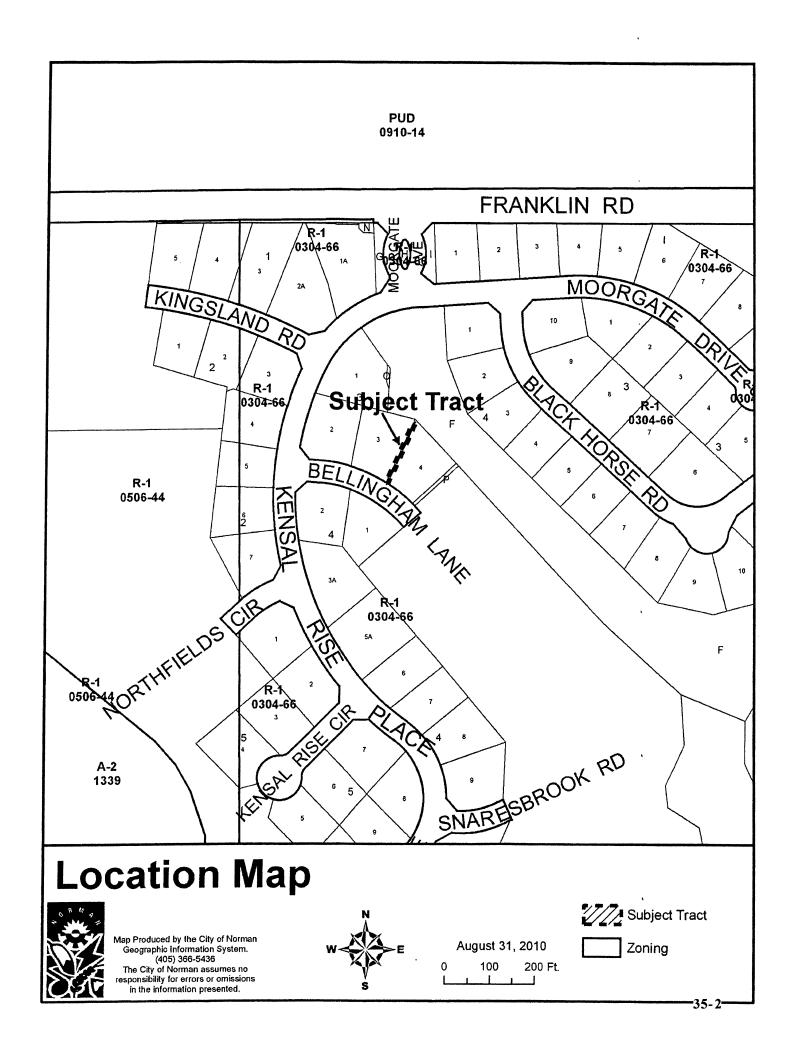
- § 1. That, pursuant to Resolution No. R-8182-66, Carrington Place, L.L.C.., owner of the subject property, has petitioned the City to have the utility easement along the western boundary of Lot 4, Block 3, Carrington Place Addition, Section 8, closed; and
- § 2. That, also pursuant to Resolution No. R-8182-66, the proper notice has been given and the maps, memoranda, and other items required by said resolution have been presented to this Council; and
- § 3. That, also pursuant to Resolution No. R-8182-66, a public hearing has been held regarding said closing; and
- § 4. That the utility easement along the western boundary of Lot 4, Block 3, Carrington Place Addition, Section, hereafter described, to wit:

The South 146.55 feet of the West 5 feet of Lot 4, Block 3, of Carrington Place Addition, Section 8, to the City of Norman, Cleveland County

is hereby closed.

§ 5. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance, except, that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this	day	NOT ADOPTED this	_ day
of	, 2010.	of,	2010.
Mayor		Mayor	
ATTEST:			
City Clerk		•	



ORDINANCE NO. ZO-1011-3

ITEM NO. 8

STAFF REPORT

GENERAL INFORMATION

APPLICANT Bailey Law Offices, agent for the owner,

Carrington Place, L.L.C.

REQUESTED ACTION Closure of the 5' utility easement located

along the west boundary of Lot 4, Block 3, CARRINGTON PLACE ADDITION

SECTION 8

BACKGROUND. The developer of this subdivision is in the process of selling Lot 4 and a portion of Lot 3 to a homebuilder, who intends to build a larger home that will be centered within the new lot. A Lot Line Adjustment will be submitted to eliminate the lot line that separates the two lots. The west side of Lot 4 contains a five-foot utility easement, which is not eliminated when a Lot Line Adjustment is accomplished. The owner has submitted this request to eliminate that easement, which will be necessary before any new home could be constructed on the larger lot.

DISCUSSION. Notice has been provided to all franchised utility holders, who are asked if they object to the elimination of the easement. Other than OG&E, no objections have been received from any utility companies. The lot owner has been in contact with OG&E, who has agreed to relocate an existing underground line from the west side of Lot 4 to the east side of the lot, once a new five-foot utility easement has been granted. There is a city sewer line across the front of the lot, and closing the five-foot easement along the side of the lot will not affect that sewer line.

RECOMMENDATION. No city facilities will be affected if this easement is closed and vacated. No objections were received from any franchised utility companies. OG&E does not object provided they are provided with a new easement, and paid to relocate the line. Staff supports this request to close the easement, and recommends approval of the ordinance closing the easement with the condition that a new easement is granted for the relocated line.

BAILEY LAW OFFICES

301 EAST EUFAULA P.O. BOX 1521 NORMAN, OKLAHOMA 73070-1521 PHONE: 405/329-6600 FAX: 405/329-6634

R. LINDSAY BAILEY ATTORNEY AT LAW OF COUNSEL DAVID A. POARCH

June 14, 2010

Brenda Hall City Clerk City of Norman 201 West Gray Norman, OK 73069

RE: Proposed vacation of utility easement

Dear Ms. Hall:

Enclosed please find the following:

- 1. Petition executed by the owner of the front footage of the easement proposed for closing.
- 2. The easement proposed for closing is described as follows:

The South 146.55 feet of the West 5 feet of Lot 4, Block 3, of CARRINGTON PLACE ADDITION SECTION 8, to the City of Norman, Cleveland County, Oklahoma.

- 3. Three copies of the 300 foot ownership list.
- 4. Three copies of a map reflecting the ownership list and the easement to be closed.
 - 5. \$400 filing fee.

Please review the enclosed and if it satisfies your requirements include this application upon the next planning commission agenda.

Thank you for your assistance.

FILED IN THE OFFICE OF THE CITY CLERK ON 6-/5-/0

R. LINDSAY BAILEY

Sincerely

PETITION TO PARTIALLY VACATE EASEMENT

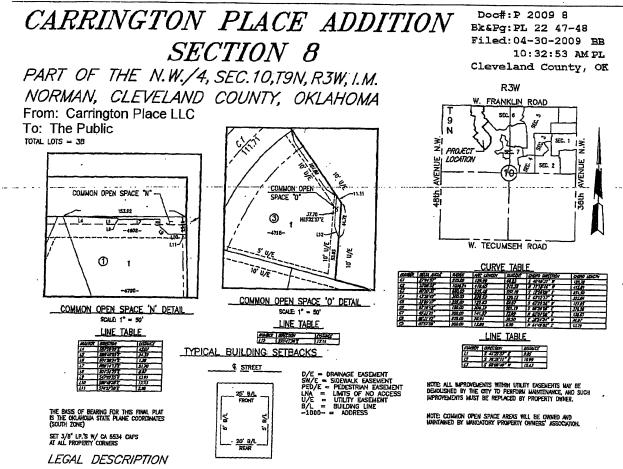
WE, the undersigned, being all of the owners of the total front footage of the public easement described below request the closing of a public easement, described as:

The South 146.55 feet of the West 5 feet of Lot 4, Block 3, of CARRINGTON PLACE ADDITION SECTION 8, to the City of Norman, Cleveland County, Oklahoma.

CARRINGTON PLACE, L.L.C.

RICHARD McKOWN, Manager

DATE



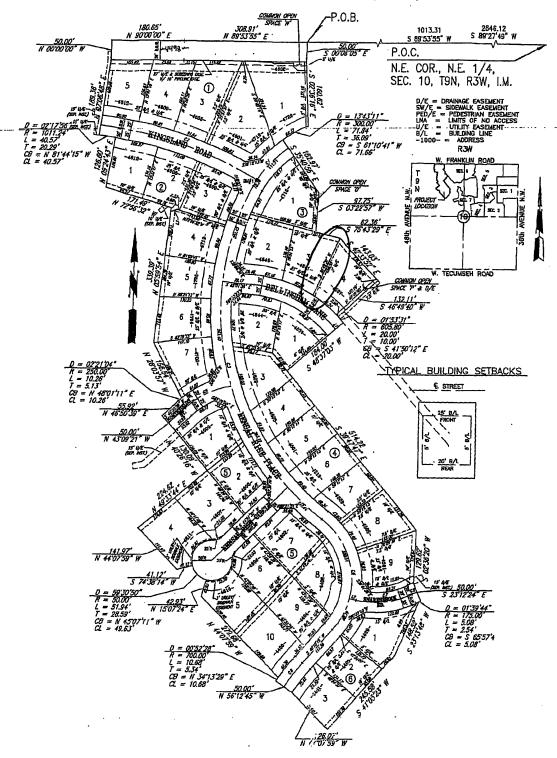
A tract of land being a part of the Northwest Quarter (NW ¼), Section 10, Township 9 North (T9N), Range 3 West (R3W), of the Indian Meridian, Norman, Cleveland County, Oklahama, being more particularly described as follows:

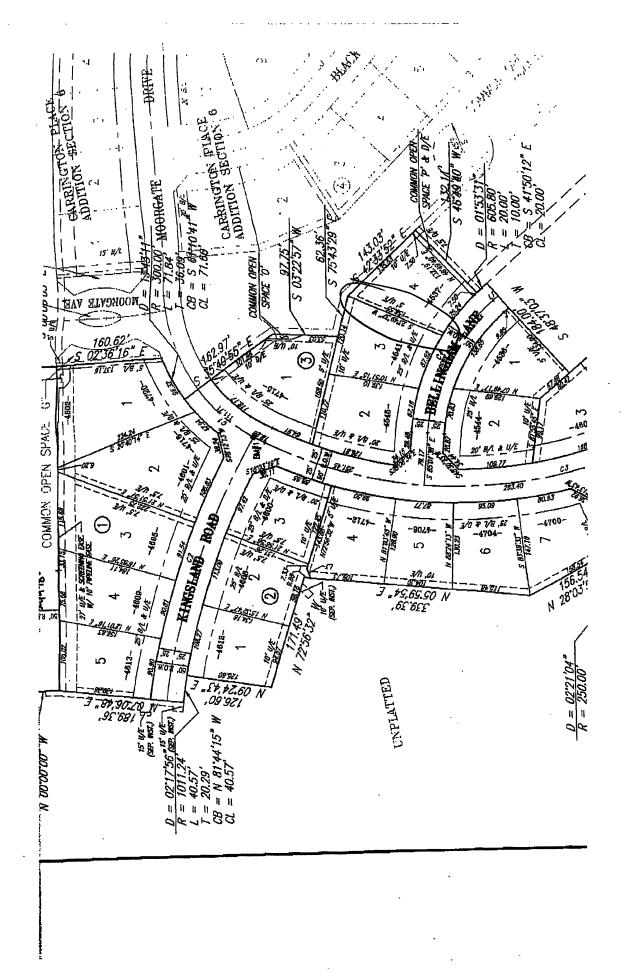
COMMENCING at the Northeast corner of the N.E. ½ of said Section 10;
THENCE South 89'27'49' West along the North line of said Section 10 a distance of 2646.12 feet to the N.W. corner of said N.E. ½; THENCE South 89'53'55' West along said North line of said Section 30 a distance of 1013.31 feet to the POINT OF BEGNNING;

THENCE South 00'06'05' East a distance of 50.00 feet; THENCE South 02'36'16' East a distance of 160.62 feet to a point on a non-tangent curve; THENCE clong a curve to the left having a radius of 300.00 feet (said curve subtended by a chord which bears South 61'10'41' West a distance of 71.66 feet) with an arc length of 71.84 feet; THENCE South 35'40'55' East a distance of 162.97 feet; THENCE South 03'22'57' West a distance of 97.75 feet; THENCE South 45'33'52' East a distance of 143.03 feet; THENCE South 64'49'40' West a distance of 132.11 feet to a point on a non-tangent curve; THENCE clong a curve to the right having a radius of 605.80 feet (said curve subtended by a chord which bears South 41'50'12' East a distance of 20.00 feet) with an arc length of 20.00 feet; THENCE South 48'37'03' West a distance of 184.00 feet; THENCE South 39'47'47' East a distance of 514.22 feet; THENCE South 02'36'20' West a distance of 129.62 feet; THENCE South 23'12'24' East a distance of 50.00 feet to a point on a non-tangent curve; THENCE clong a curve to the right having a radius of 175.00 feet (said curve subtended by a chord which bears South 65'57'44' West a distance of 5.08 feet) with an arc length of 5.08 feet; THENCE South 23'12'24' East a distance of 5.00 feet to a point on a non-tangent curve; THENCE North 44'07'59' West a distance of 148.52 feet; THENCE South 41'52'25' West a distance of 10.68 feet) with an arc length of 10.68 feet; THENCE North 56'12'45' West a distance of 5.00 feet to a point on a non-tangent curve; THENCE North 45'07'59' West a distance of 10.68 feet) with an arc length of 10.68 feet; THENCE North 45'07'59' West a distance of 42.93 feet to a point on a non-tangent curve; THENCE North 45'07'11' West a distance of 49.65 feet) with an arc length of 10.68 feet) with an arc length of 10.68 feet; THENCE North 45'07'11' West a distance of 49.65 feet) with an arc length of 10.68 feet; THENCE North 45'03'39' West a distance of 10.68 feet; THENCE North 45'03'39' West a distance of 10.68 feet; THENCE North 45'

CARRINGTON PLACE ADD. SEC. 8

PART OF THE N.W./4, SEC. 10, T9N, R3W, I.M.





Legal Description

Lot 4-A

A tract of land lying in the Northwest Quarter (NW ¼), Section 10, Township 9 North (T9N), Range 3 West (R3W), of the Indian Meridian and being all of Lot 4 and a part of Lot 3, Block 3 of CARRINGTON PLACE ADDITION SECTION 8 of the City of Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 4, Block 3 of said CARRINGTON PLACE ADDITION SECTION 8;

THENCE South 46°49'40" West a distance of 132.19 feet to the Southeast corner of said Lot 4 to a point of curvature;

THENCE Northwesterly along the south line of said Lots 3 and 4, having a radius of 325.00 feet (said curve being subtended by a chord bearing of North 54°31′20″ West and a chord length of 113.18 feet) and an arc length of 113.76 feet to a point on the south line of Lot 3;

THENCE North 14°37′11" East a distance of 144.69 feet to a point on the north line of Lot 3;

THENCE South 75°43'29" East a distance of 62.36 feet;

THENCE South 42°33′52″ East a distance of 135.53 feet along the North line of said Lot 4 to the POINT OF BEGINNING.

Said tract of land contains 22,027 square feet, or 0.5057 acres, more or less.

PO Box 321 Oklahoma City, Oklahoma 73101-0321 405-553-3000 www.oge.com

AUGUST 3, 2010



CITY OF NORMAN PLANNING COMMISSION KEN DANNER, DEVELOPMENT COORDINATOR P. O. BOX 370 NORMAN, OK. 73070

RE: Closing of a platted utility easement

Lot 4, Block 3, CARRINGTON PLACE ADDITION SECTION 8

Applicant: Bailey Law Offices as Agent

Mr. Danner:

Available records show that OG&E Electric Services has underground facilities in the existing utility easement, located along the westerly side of the above mentioned lot. We have been in discussion with the developer and they have agreed to pay to have our facilities removed, as well as file of record a 5' utility easement along the easterly side of Lot 4. To date nothing has been filed of record for the new easement.

OG&E does not object to the closing of the utility easement on the west side of the property, provided the developer files a utility easement along the east side. OG&E will remove our facilities after the new easement has been filed and OG&E has received payment for the relocation. If I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey Right-Of-Way Agent

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES

AUGUST 26, 2010

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 26th day of August, 2010. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:30 p.m.

Item No. 1, being: ROLL CALL

MEMBERS PRESENT

Diana Hartley
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Cynthia Gordon

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning & Community Development

Doug Koscinski, Manager, Current Planning

Division

Ken Danner, Development Coordinator Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Rick Hoffstater, GIS Analyst

Item No. 9, being:

ZO-1011-3 – BAILEY LAW OFFICES REQUEST CLOSURE OF A 5' UTILITY EASEMENT LOCATED ALONG THE WEST BOUNDARY OF LOT 4, BLOCK 3, <u>CARRINGTON PLACE ADDITION</u> SECTION 8.

ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Staff Report
- 3. Plat Maps
- 4. OG&E Non-Objection

Curtis McCarty asked to be recused from participation on this item.

Jim Gasaway moved to allow Curtis McCarty to be recused from participation on this item. Diana Hartley seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS Diana Hartley, Tom Knotts, Chris Lewis, Roberta Pailes,

Andy Sherrer, Jim Gasaway, Zev Trachtenberg

NAYES None

MEMBERS ABSENT Cynthia Gordon

Recording Secretary Roné Tromble announced that the motion, to allow Mr. McCarty to be recused from participation on this item, passed by a vote of 7-0. Mr. McCarty vacated his seat and left the room.

PRESENTATION BY THE APPLICANT:

Greg Tontz, 301 E. Eufaula, is representing Carrington Place, L.L.C., the petitioner in this matter. They have petitioned to close a 5' utility easement located in Carrington Place Addition. This matter has been noticed properly. They have not received any opposition to this petition as far as he is aware. The purpose of the closure of the utility easement is the construction of a residence. It is his understanding the only utilities located in the easement are an OG&E utility and arrangements have been made to relocate those utilities at the applicant's cost. He asked that the Commission recommend this be approved.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend adoption of Ordinance No. ZO-1011-3 to the City Council. Jim Gasaway seconded the motion.

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES August 26, 2010, Page 11

There being no further discussion, a vote on the motion was taken with the following result:

YEAS Diana Hartley, Tom Knotts, Chris Lewis, Roberta Pailes,

Andy Sherrer, Jim Gasaway, Zev Trachtenberg

NAYES None

MEMBERS ABSENT Cynthia Gordon

Recording Secretary Roné Tromble announced that the motion, recommend adoption of Ordinance No. ZO-1011-3 to the City Council, passed by a vote of 7-0.

Mr. McCarty returned to the meeting.



CITY COUNCIL AGENDA SEPTEMBER 28, 2010

Municipal Building Council Chambers 201 West Gray Street Norman, OK 73069

Item No. 36

Text File Number: O-1011-10

Introduced: 9/7/2010 by Leah Messner, Assistant City Attorney

Version: 1

Current Status: Non-Consent Items

Matter Type: Ordinance

Title

ORDINANCE NO. O-1011-10: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXVII, SECTIONS 13-2705 AND 13-2712 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE SUPPORTING DOCUMENTS REQUIRED AND ADDING A PROVISION REGARDING SAFETY REQUIREMENTS OF BANNERS FOR THE EVENTS; AND PROVIDING FOR SPECIAL EVENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-10 upon Second Reading section by section.

ACTION TAKEN:

ACTION NEEDED: Reading as a whole.	Motion to ac	lopt or reject	Ordinance No.	O-1011-10	upon Final
ACTION TAKEN: _					

Rody

BACKGROUND: Currently, Chapter 18 of the City of Norman Code of Ordinances, specifically Section 18-308, authorizes the City Council to grant a limited license for the purpose of installing public event banners in the public right-of-way. Typically, these banners are placed at intersections around Norman at locations that have been approved by the Public Works Department. It is the past practice of the City of Norman City Council to deny requests to secure banners above City streets because of safety concerns for vehicles traveling underneath the banners.

However, an organizer of a local special event would like permission to secure a banner above a City street while the street is closed for the special event. Because the banner would only be displayed while the street is closed to traffic, the Oversight Committee, at their September 1, 2010 meeting, suggested amending the City of Norman's Special Events Ordinance, Chapter 13, §§ 13-2701 - 13-2717, in order to permit banners only during Special Events while the street was closed to traffic. Those suggested amendments are attached.

<u>DISCUSSION</u>: The amended language, as recommended by the City Council Oversight Committee, addresses the safety concerns involved with securing a banner above a City

street. Currently, Section 13-2705 requires that event operators provide a map of the special event location depicting the location of street closures, tents, stages, barricades, and other important elements of the event. The proposed amendment requires that banner locations also be shown on the map of the event area.

The amended language also includes an amendment to Section 13-2712: Safety Requirements. The new language states that banners are allowed to be secured above city streets only while the street is closed to traffic and only for the duration of the special event. Any banner meeting these two criteria is also subject to the following safety requirements: banners are only permitted to be secured above two lane streets; banners must be properly permitted by the Director of Public Works or his designee and the building official or his designee; plans for the proposed banner must be sealed by a licensed engineer; no special event operator may secure more than two banners above closed streets; and the permit fee for a banner shall be \$50.00.

This amended language includes all the recommendations from the City Council Oversight Committee. The Committee requested that these amendments be forwarded for City Council's consideration in order to address the request from the local event organizer while still taking appropriate precautions to ensure citizen safety.

RECOMMENDATION: Based upon the above and foregoing discussion, it is the staff recommendation that Ordinance #O-1011-10 be adopted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XXVII, SECTIONS 13-2705 AND 13-2712 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE SUPPORTING DOCUMENTS REQUIRED AND ADDING A PROVISION REGARDING SAFETY REQUIREMENTS OF BANNERS FOR THE EVENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Article XXVII, Section 13-2705 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2705. Supporting documents required.

- (a) An operator shall provide the following supporting documents for the application:
 - (1) A map of the event area showing the location of all street closures, fire lanes, barricades, booths or vendors, states or production areas, portable toilets, location of water supplies, points of illumination, tents, trash containers, first aid stations, EMS stations, parking areas, public entry points, banners, and other equipment or materials the operator intends to place in the event area;

* * *

§2. That Article XXVII, Section 13-2712 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2712. Safety requirements.

* * *

- (g) Banners are allowed to be secured above city streets only while the street is closed to traffic and only during the duration of the special event. However, these banners must comply with the following conditions:
 - (1) Banners are only permitted to be secured above two lane streets.
 - (2) Banners must be properly permitted by the Director of Public Works or his designee and the building official or his designee. To be permitted, the operator must show that the plans for the proposed banner have been sealed by a licensed engineer.
 - (3) No special event operator may erect more than two banners across closed streets.
 - (4) The permit fee to erect each banner is \$50.00

ordinance is jurisdiction, and such ho	s, for any reason, held inva such portion shall be deem lding shall not affect the va he effective date provision s	alid or unconstitutional by any cour ned a separate, distinct, and indepen alidity of the remaining portions of shall not be severable from the opera	t of competent dent provision, this ordinance,	
ADOPTED this	day	NOT ADOPTED this	day	
of	, 2010.	of	, 2010.	
Cindy Rosenthal, Mayor		Cindy Rosenthal, Mayor		
ATTEST:				
Brenda Hall, City Cl	erk			

Severability. If any section, subsection, sentence, clause, phrase, or portion of this

§ 3.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XXVII, SECTIONS 13-2705 AND 13-2712 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE SUPPORTING DOCUMENTS REQUIRED AND ADDING A PROVISION REGARDING SAFETY REQUIREMENTS OF BANNERS FOR THE EVENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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Sec. 13-2705. Supporting documents required.

- (a) An operator shall provide the following supporting documents for the application:
 - (1) A map of the event area showing the location of all street closures, fire lanes, barricades, booths or vendors, states or production areas, portable toilets, location of water supplies, points of illumination, tents, trash containers, first aid stations, EMS stations, parking areas, public entry points, banners, and other equipment or materials the operator intends to place in the event area;

§2. That Article XXVII, Section 13-2712 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2712. Safety requirements.

* * *

- (g) Banners are allowed to be secured above city streets only while the street is closed to traffic and only during the duration of the special event. However, these banners must comply with the following conditions:
 - (1) Banners are only permitted to be secured above two lane streets.
 - (2) Banners must be properly permitted by the Director of Public Works or his designee and the building official or his designee. To be permitted, the operator must show that the plans for the proposed banner have been sealed by a licensed engineer.
 - (3) No special event operator may erect more than two banners across closed streets.
 - (4) The permit fee to erect each banner is \$50.00

§ 3.	ordinance is, for jurisdiction, such and such holding	any reason, held invalid or portion shall be deemed a s shall not affect the validity	entence, clause, phrase, or porticular unconstitutional by any court of separate, distinct, and independent of the remaining portions of this ot be severable from the operative	competent provision, ordinance,
ADOP'	TED this	_ day	NOT ADOPTED this	_ day
of		, 2010.	of	_, 2010.
Cindy Rosenthal, Mayor			Cindy Rosenthal, Mayor	
ATTES	ST:			
Brenda	Hall, City Clerk			

City Council Oversight Committee Minutes September 1, 2010 Page 3

League of Women Voters could conduct a forum to get information out to candidates prior to filing for office. Ms. Brenda Hall, CityClerk, said the Chamber of Commerce does that now and she has participated in those events in the past. She said the events work well for those that attend and are a good tool for educational purposes. She said the Authority's overall goal is compliance for the committees and not necessarily penalizing. She said Dr. Hilbert is planning to write much of the educational material and start a program of education ahead of filing for office through press releases and placing information on Channel 20, especially for Committee groups as they are the ones that fall through the cracks. She said the Enforcement Authority Committee holds an orientation session for those that have filed so they are more aware of report filing requirements. Councilmember Kovach suggested putting information on the City website and Chairman Dillingham suggested creating a small informational handout that could be downloaded.

Chairman Dillingham asked that education also include regulations on political signs. Councilmember Kovach suggested political sign enforcement and signs placed in the rights-of-way (ROW) have proactive code enforcement. Chairman Dillingham said that is already being done by the Code Enforcement Division. Mr. Lewis said Code Enforcement particularly targets signs at major intersections and arterial roads.

Chairman Dillingham said language changes to the ordinance should go forward to Council and asked the Authority to present their ideas on education in the November 3rd Council Oversight Committee meeting. She suggested contacting newspapers and radio stations early in the election season and contacting the University of Oklahoma (OU) newspaper and radio station, whom she felt would be an excellent education tool.

Items submitted for the record

- 1. Final Report from the Enforcement Authority including Draft Ordinance No. O-1011-4 and Legislatively Notated Draft Ordinance No. O-1011-4
- 2. Enforcement Authority minutes of January 13, 2010; January 20, 2010; February 26, 2010; March 1, 2010; March 8, 2010; April 5, 2010; July 9, 2010; and July 14, 2010

DISCUSSION REGARDING REGULATIONS FOR SIGNS AND BANNERS PLACED IN CITY RIGHTS-OF-WAY.

Ms. Hall said Mr. Rainey Powell who owns property on Campus Corner is requesting a limited license to place a banner across Asp Street. She said the City allowed street banners many years ago on Main Street; however, there were problems with the banners falling and issues of traffic safety. Council chose to no longer allow banners across a street. Ms. Hall said Mr. Powell proposes to anchor the banner to the buildings with pulley system brackets to bear the wind load and be more secure. Mr. Powell's proposal includes leaving the banner up from the first of September through December without taking it down after every OU football home game as he has done in prior years. She said Staff is asking the Oversight Committee to review the regulations and recommend whether or not Council wants to consider permitting banners over a street and suggestions for regulating.

Ms. Messner said public streets in Norman are classified as public forums and speakers using city streets have the highest level of First Amendment protection; however, the City has the option to regulate "time, place, and manner" of banners over ROW. The limited license process fits those regulations because they regulate when the banner could be displayed, the manner of display, and the location of display so Council could deny the placement of banners over City streets without denying First Amendment Rights. Ms. Messner said a solution proposed by the Legal Department in 1996, was to allow all speakers to display properly permitted banners across a street or allow no speakers to display banners and recommended to Council that no banners be allowed across City streets.

City Council Oversight Committee Minutes September 1, 2010 Page 4

Councilmember Kovach asked if there would be any repercussions if Council reestablished a new outdoor advertising forum when billboards are being banned and felt Council would be opening a door for other businesses or individuals to request banners over City ROW, which is not the intent. Councilmember Griffith agreed and said he could foresee a string of banners. Ms. Messner said billboards are commercial speech and come with a variety of different First Amendment protections.

Councilmember Kovach said the City has a sustained policy of cleaning up signs in Norman and if you open that door it will get wider and wider every year. Chairman Dillingham suggested tying a banner permit to the Special Event Ordinance allowing banners on the day of the event when there is a street closure, for the time of the street closure and the street is not a major arterial.

Councilmember Kovach said he wanted to charge a permit fee as limited licenses are no charge. Councilmember Atkins asked about liability insurance and Ms. Hall said that is required for a special event permit. Chairman Dillingham said she would like to limit the number of banners allowed and Councilmember Kovach said he would have no problem with a banner on each end of the street and the Committee agreed.

Councilmember Kovach asked if Council can require the advertising be at least in connection to the event and Mr. Bryant said when you get into content, there are First Amendment issues. Councilmember Kovach said, because Council cannot limit speech, anything could be written on the banners and felt there would be ramifications if Council allowed banners during Special Events. Chairman Dillingham said, for safety reasons, the banners should be limited exclusively to the two lane streets and Mr. Bryant said as long as the regulations are uniform that would be feasible.

Councilmember Atkins suggested anchoring requirements be included in the permit and Mr. O'Leary said inspections would be made for the banner in question. He said Mr. Powell is working on a pulley system for taking the banner down so it would not be a problem to remove the banner after each game. Mr. Hall said Public Works has told Mr. Powell that no tie downs can be used and Mr. O'Leary said tie downs change the wind loading. Councilmember Atkins was concerned that citizens could pull the banner down if a pulley system was used and Mr. O'Leary said the engineer is still designing the system and Staff did not have the specifics yet, but would keep that in mind.

Councilmember Kovach asked what a reasonable permit fee would be and Ms. Hall said a building permit is required for the brackets on the building so Mr. Powell is paying around \$50 for the building permit with inspections included. Councilmember Atkins suggested an annual inspection to make sure the brackets are in good condition and to guarantee the structure holds. Councilmember Kovach suggested \$50 per event permit and the Committee agreed.

Ms. Hall suggested placing language in the Special Event ordinance that would govern these types of banners and fees so it is not confused with the limited license, which requires Council approval and Chairman Dillingham agreed.

Chairman Dillingham said she would like the amended ordinance to be forwarded to Council in their September 14th meeting. Chairman Dillingham asked if the ordinance should be reviewed at a Study Session and Mr. Lewis said it could be presented at the September 14th Conference, then First Reading at that night's Council meeting with Second Reading on September 28th.

City Council Oversight Committee Minutes September 1, 2010 Page 5

Items submitted for the record

- 1. Memorandum dated August 23, 2010, from Leah Messner, Assistant City Attorney, through Jeff Bryant, City Attorney, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
- 2. Pertinent excerpts from City Council minutes of October 11, 1994
- 3. Memorandum dated October 23, 1996, from Anita K. Anthony, Assistant City Attorney, to Jeff F. Raley, City Attorney

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:45 p.m.

COUNCIL CONFERENCE MINUTES

September 14, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 6:00 p.m. in the Municipal Building Conference Room on the 14th day of September, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT:

None

DISCUSSION REGARDING ORDINANCE NO. O-1011-10 AMENDING ARTICLE XXVII, SECTIONS 13-2705 AND 13-2712 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE SUPPORTING DOCUMENTS REQUIRED AND ADDING A PROVISION REGARDING SAFETY REQUIREMENTS OF BANNERS FOR SPECIAL EVENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ms. Leah Messner, Assistant City Attorney, provided background information on the limited license process which allows for signs in the City's rights-of-way, typically at intersections, with Council approval. She said historically, Council has not permitted banners across City right-of-way due to safety concerns. A special event sponsor has made a request to place a banner across Asp Avenue on University of Oklahoma game days.

The City Council Oversight Committee met on September 1, 2010, to review the request and discuss options for permitting banners over and across City right-of-way. The Oversight Committee recommended amending the Special Event Ordinance to allow for banners during a special event when the street was closed while taking safety precautions. Ms. Messner said the proposed ordinance amendment is scheduled for First Reading during Council's regular session on September 14, 2010.

Ms Messner said the proposed amendment would require event sponsors to show the location of the banner(s) on the map of the event area. The banners would only be allowed while the street is closed and only for the duration of the special event. Additional conditions limit the banners to two lane streets; require the applicant obtain a permit for the banner through the Public Works and Planning Departments to ensure adequate wind load and proper installation; limit the sponsor to no more than two banners per event; and require a permit fee of \$50 per banner.

Councilmember Cubberley asked what the banner(s) would be connected to and expressed concern with event sponsors trying to connect to street light poles. City Clerk Brenda Hall said in this particular case, the banner is being anchored to two buildings with a sophisticated pulley system; however, under each situation, the Public Works Department is requiring the applicant submit plans sealed by a structural engineer that the anchor source can support the wind load capacity. She said the Public Works Department shares your concerns with the street light poles, which would not fit the criteria for support. Council also expressed concern about the integrity of the cable and Ms. Hall said each request will require a separate permit, which will trigger an inspection of the banner, at which time the cable could also be inspected. Councilmembers concurred with this process.

Mayor Rosenthal reminded Council the ordinance is included in tonight's regular meeting for First Reading with the public hearing occurring at Second Reading on Council's September 28th agenda.

City Council Conference Minutes September 14, 2010 Page 2

Items submitted for the record

- 1. Text File dated September 7, 2010, introduced by Leah Messner, Assistant City Attorney
- 2. Draft Ordinance No. O-1011-10
- 3. Pertinent excerpts from City Council Oversight Committee minutes of September 1, 2010
- 4. PowerPoint presentation entitled, "Regulation of Banners at Special Events" dated September 14, 2010

The meeting adjourned at 6:15 p.m.	
ATTEST:	
City Clerk	Mayor